

## NINTH DAY

(Monday, January 23, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Hankamer
Allen	Hardin
Allison	Harp
Alsup	Harper
Anderson	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Baker of Grayson	Heflin
Blankenship	Holland
Bond	Howard
Boyd	Howington
Boyer	Hull
Bradbury	Hunt
Bradford	Isaacks
Bray	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Kennedy
Brown of Cherokee	Kern
Brown	Kerr
of Nacogdoches	Kersey
Bundy	Kinard
Burkett	King
Burney	Langdon
Cauthorn	Lehman
Celaya	Leonard
Chambers	Leyendecker
Clark	Little
Cleveland	Lock
Cockrell	Loggins
Coleman	London
Colquitt	Mays
Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Davis of Jasper	McNamara
Davis of Upshur	Mohrmann
Dean	Monkhouse
Derden	Montgomery
Dickson	Morris
Dickson	Newell
Donaghey	Nicholson
Dwyer	Oliver
Faulkner	Olsen
Felty	Pace
Ferguson	Pevehouse
Fielden	Piner
Fuchs	Pope
Galbreath	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Reed
Hamilton	

Rhodes	Tarwater
Riviere	Taylor
Roach	Tennant
Roberts	Thornberry
Robinson	Thornton
Russell	Turner
Schuenemann	Vale
Segrist	Vint
Shell	Voigt
Skiles	Waggoner
Smith of Frio	Weldon
Smith of Hopkins	Wells
Smith	Westbrook
of Matagorda	White
Spencer	Wilson
Stinson	Winfree
Stoll	Wright
Talbert	

## Absent—Excused

Bell	Petsch
Dowell	Ragsdale
Gilmer	Wood
Hardeman	Worley
Keith	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

Almighty God, known unto Thee are all ends from their beginnings, and Thou alone are good, and wise, and gracious. Consider our needs this morning rather than our merits, and give us vision and understanding as we enter upon the serious work of the session. In Jesus name. Amen.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hardeman for today, on motion of Mr. Goodman.

Mr. Ragsdale for today, on motion of Mr. Corry.

Mr. Keith for today, on motion of Mr. Harrell of Bastrop.

Mr. Wood for today, on motion of Mr. Fielden.

Mr. Gilmer for today, on motion of Mr. Donaghey.

Mr. Bell for today, on motion of Mr. Thornberry.

Mr. Worley for today, on motion of Mr. Morris.

The following Members were granted leaves of absence on account of illness:

Mr. Dowell for today, on motion of Mr. Alsup.

Mr. Petsch for today, on motion of Mr. London.

## MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

To the Members of the Forty-sixth Legislature:

I am a newcomer in the field of governmental affairs, all my experience having been that of a business man, but to my way of thinking, it is nonsense to talk about the people controlling the Government if the people do not control the expenditure of the money and certainly they can not control the expenditure of the money if they do not know what it is spent for. I am old fashioned enough to believe that the duties of the Legislature, the duties of the Governor, and the duties of the judges of our courts are pretty well defined in the Texas Constitution. And I think it is the job of the Legislature to determine specifically and definitely what the taxpayers' money is going to be spent for. I do not believe in the Legislature turning its control of the public purse over to the Governor or any of the heads of the administrative departments of the State. I believe it is the responsibility of the Legislature to determine what the taxpayers' money is going to be spent for and then it is the business of the Governor to stay on the job and see that it is not spent for any other purpose. And, as I see it, these things can be accomplished only by proper budgeting and proper auditing. So far as I am concerned, I want all the auditing of my department and the departments of my appointees done by an auditor selected by the Legislature. I have no desire as the Chief Executive of this State to select an auditor to audit my own appointees.

It is my hope that we may be able, through the passage of legislation which I am recommending in this message and other legislation which I shall submit to you from time to time, to establish a business-like control of the taxpayers' money in this State, to the end that we may be able to give to the taxpayers not only assurance that the money has been honestly spent but also that it has been efficiently spent.

In my judgment it is very important that we have in this State a strong budget law to cover the expenditures not only of the State Government but also of all local units

of government, and I think it is equally important that we provide for an efficient method of auditing public expenditures of the State. To accomplish these purposes it will be necessary to amend the law creating the office of State Auditor and to amend the State Budget law.

The Constitution places the responsibility upon the Legislature to raise taxes and appropriate money to run the State Government. We are now spending in Texas about \$280,000,000 or \$300,000,000 each biennium, but of this amount only approximately \$70,000,000 is expended in response to itemized legislative appropriation bills. The other money is expended based on a board grant of power from the Legislature. I think all will agree that when the Legislature makes appropriations of the taxpayers' money, whether it make the appropriation by an itemized bill or by a broad grant of power, that it is the responsibility of the next session of the Legislature to check up and find out whether or not the executive and administrative departments of Government have expended this money as the Legislature directed, and it should be the job of the State Auditor to do this.

But as the matter now stands, the State Auditor is not selected by the Legislature and has no direct responsibility to the Legislature. As the law stands, the Governor appoints the heads of most of the large spending departments of the State Government and then he appoints an auditor to audit his own appointees. Such a system would not be tolerated for a minute in any sound business organization and I for one, as the Chief Executive of this State, should like to see this law changed. I should like to see the Auditor selected by the legislative committee and made directly responsible to the Legislature for the performance of his duties. I do not even believe that appropriations for the Auditor's office should appear in the Governor's budget which he submits to the Legislature. I think it should be left entirely to the Legislature to select the State Auditor, provide him with the necessary facilities to do his work, and have him directly responsible to them. So far as I am concerned, I do not want to name an auditor to audit my own acts.

I, therefore, submit to the Legislature as emergency legislation for your immediate consideration, the matter of

amending the law creating the office of State Auditor in such manner as the Legislature may deem advisable to the end that this office may function more efficiently. May I now invite the attention of the Legislature to the necessity for amending the present State Uniform Budget Law.

When it comes to amending the budget law of the State, I think we should realize that all good budget procedure would place on the Governor the responsibility of the preparation of the budget to cover the expenditures of this State. When a man is a candidate for Governor and he makes certain promises to the people with reference to his belief as to how public funds should be expended, the budget law should require the Governor once he is elected to state in plain, unequivocal terms how he believes the promises which he has made to the people can be carried out, and the budget is the proper vehicle in which this record should be made.

It is, of course, obvious that if this is to be done that the machinery must be created to enable the Governor to perform this service. He cannot personally do this work. I, therefore, recommend that the budget law be amended so as to create the office of Director of the Budget, providing this office with adequate assistants and making the Director of the Budget appointive by the Governor and subject to removal by the Governor at will, and then place the responsibility upon the Governor to present each biennial session of the Legislature a complete budget and complete budget bills.

I believe it is just as essential for the budget department to be absolutely under the direction of the Governor's office as it is for the Auditor's office to be absolutely under the direction of the Legislative branch of the Government. Any attempt of the Governor to interfere with the operation of or to have anything to do with the selection of the State Auditor is, to my way of thinking, unsound. Likewise I believe it would be unsound in principle to not leave full freedom to the Governor in the selection of his Director of the Budget, because after all the Director of the Budget is simply an agent of the Governor, performing a duty for the Governor that the Governor does not have time to perform, and the Governor is responsible for the Director

of the Budget's acts. When the budget goes to the Legislature, it is not the budget of the Director of the Budget, but it is that of the Governor.

At the present time we have what I regard as an impossible situation: The Board of Control is charged with the responsibility of preparing the budget. This is subject to two criticisms and in making these criticisms I am in no sense talking about the personnel who compose the Board of Control. The first definite criticism is that the preparation of a budget is not a proper task for an administrative board. It is a task for an executive and is so recognized by all sound budget authorities. The second criticism is that as now constituted, the Board of Control is responsible for spending approximately Fifty-seven Million Dollars of State and Federal funds each biennium. Certainly the department of government responsible for one of the large spending agencies is not a proper authority to prepare a budget.

If we can so amend the State Budget Law as to create a strong State Budget Department, it will, in my judgment, in years to come, reflect itself in Millions of Dollars of savings to the taxpayers of this State and will at the same time improve governmental service. Likewise if we can amend the law so as to put the function of post-auditing under the direct control of the Legislature where it belongs, thereby giving to the Legislature a continuing agency to constantly report to them at each session of the Legislature whether or not the laws of this State are being properly administered by the executive and administrative departments of the Government, we will, in my judgment, have taken a long step in the direction of getting the State Government organized on a basis of efficiency and we will be taking a step which, I think, will tend to re-establish the confidence of the people in the various agencies of the State Government.

I should like now to further invite your attention to what I regard as necessary amendments to the State Budget Law as it affects the local units of government in this State. The general model of the Texas Uniform Budget Law and its general plan of handling the budget affairs of local units of government is good.

I have talked with many people who have made a study of the budget procedure of local units of government in Texas and of the functioning of the present budget law and I am impressed with the fact that we have a good law as it applies to local units of government. The trouble seems to be in the evasion of law. Apparently, many counties in Texas are almost totally ignoring some of the plain provisions of this law and from the information brought to me this seems to be true of many of our cities and school districts.

I think it important that this law be so amended as to eliminate these abuses. Apparently, most of the evasions of the budget law come from or are based upon that clause of the law which after the regular budget has been adopted and approved permits governing boards of cities and counties to adopt supplemental budgets in cases of emergencies. Apparently, this emergency clause is being seriously abused. And I most respectfully call the attention of the Legislature to what I regard as a necessity for re-writing this section of the budget law as it applies to local units of government, in such manner as will bring about a more uniform enforcement.

It is important for us to remember that local units of government in Texas are now collecting \$114,000,000 (millions) each year. They have an outstanding debt of \$658,000,000 (millions) and this is all a tax load upon the ad valorem taxpayers of this State. Last year these local units of Government in Texas collected \$114,000,000 (millions) in taxes, while \$20,000,000 (millions) of the taxes levied for that year went delinquent. These local units of government now have over \$115,000,000 (millions) of accumulated delinquent taxes. Now in view of all these facts, I deem it tremendously important that the State, through legislation, demand a strict compliance with the Budget Law. I think the State Budget Law should invalidate any tax levy which is not based upon a legally adopted budget.

I call the attention of the Legislature to another matter which I think is important and, that is, to make it mandatory in the budget law that all of these budgets be prepared on forms approved by the Comptroller of Public Accounts of this State. Probably, the authority should be broad enough

so as to allow the Comptroller to provide different types of forms for the larger counties from those used in the smaller counties, but there should be uniformity in these budgets in counties of similar size throughout the State. If they are not uniform, then it becomes practically impossible for the taxpayer to compare the efficiency of the service he is receiving in his county with that being rendered in some other county, and the taxpayer is entitled to have an opportunity to do this. There is no good reason why counties of similar size should not use the same type of budget forms because the taxpayers of one county are entitled to the opportunity to compare operating costs with other similar counties.

It is my hope that we, as public officials, can succeed in establishing a more definite control of the spending of the taxpayers' money in this State. And while correct budgeting and correct auditing are not all that we must give attention to to accomplish this purpose, certainly these are two of the bedrocks upon which any intelligent system of handling public funds must be based.

After all there is nothing complex about the proposition of requiring correct budgeting and regular and continuous auditing, all lines of business have long since done it, both are absolutely essential to the orderly functioning of any line of business. There is nothing unreasonable when the taxpayers are going to be called upon to put up three or four million dollars to carry on the affairs of a county, to require the Commissioners' Court before they levy the taxes, to work out a definite plan showing exactly how they expect to spend the money. There is nothing unreasonable when they have worked out this plan, to require them to notify the taxpayers of the community and allow them to come in and express their opinion about it. And there is nothing unreasonable about requiring in the law that once the Commissioners' Court has worked out this plan and has adopted a budget to control the expenditures for a one-year period, to demand that the Court abide by this budget and that they not spend money for any other purpose without providing for it in an orderly way. And, of course, all that we have said about a Commissioners' Court applies with equal force to any

other local unit of government spending the taxpayers' money, as well as to the State, the major unit.

May I urge as my very definite opinion the desirability of the Legislature considering the amendment of the State Budget Law and the amendment of the law providing for the State Auditor as one relates to the other. As I see it, the State Auditor should have nothing whatever to do with the current auditing. Any business organization representing a Four Billion Dollar Corporation, and if you will capitalize at a reasonable rate the expenditures of the State Government that is what the State Government represents, the Board of Directors would each year employ an accountant who would go through and audit every transaction that had taken place during the year and report to the board whether or not the company had been operated in accordance with the policies laid down by the Board of Directors, whether or not the money had been honestly spent, and whether or not it had been efficiently spent. And that is the job which the State Auditor would do for the Board of Directors of the State of Texas, who, of course, is the Legislature.

If the State Auditor performs this duty, if he performs it efficiently, it will yield to the State in years to come a tremendous return in the form of economies which these audits will bring to the attention of each session of the Legislature. But if the job is to be well done, I think it absolutely essential that the work of the State Auditor be confined exclusively to the field of post-auditing and that he be responsible to the Legislature and no one else.

Now on the other hand, current auditing is an administrator or executive responsibility and I think the current auditing functions should be centralized, as nearly as is feasible, under the executive department of Government through the Director of the Budget. I do not recommend giving the Director of the Budget the power to name all of the auditors in the various departments of the State Government, but I do recommend giving him the power to investigate and to coordinate the current auditing of public funds.

I hope the Legislature will concur in my judgment and it is desirable to take action on these two fundamental

pieces of legislation with the least delay consistent with deliberate consideration, because I believe that they represent the bedrock on which we must build a reorganization of the method of handling State finance. I shall submit to you at a later date my suggestions concerning what can be done and what I think should be done to bring about the elimination of many useless special funds and the consolidation of these funds, thereby making it possible for the Legislature to have a more definite control over public expenditures than is possible under conditions which we are now operating. But I deem this is to be a separate and distinct question which should not be a part of the measures which I am today recommending to you for emergency consideration, amending the State Budget Law and the State Auditor's Law which are submitted as emergency legislation and for your immediate consideration.

Respectfully,

W. LEE O'DANIEL,  
Governor.

#### NAMING MISS MOLLY O'DANIEL SWEETHEART OF THE HOUSE

Mr. Faulkner offered the following resolution:

H. S. R. No. 89, Naming Miss Molly O'Daniel Sweetheart of the House.

Whereas, We have in our midst a very lovely and charming young lady who is beloved by all Texans, and who is well known throughout the Nation; and

Whereas, This young lady is Miss Molly O'Daniel, the daughter of His Excellency, W. Lee O'Daniel, Governor of Texas; now, therefore, be it

Resolved, by the Members of the House of Representatives, That Miss Molly O'Daniel be officially named Sweetheart of the House of Representatives of the Forty-sixth Legislature; and be it further

Resolved, That Miss Molly O'Daniel be invited to be a frequent visitor to the Hall of the House of Representatives; and be it further

Resolved, That Miss Molly O'Daniel's picture be placed with the official group picture of the House of Representatives of the Forty-sixth Legislature.

FAULKNER,  
HULL.

The resolution was read second time, and was adopted.

**CONCERNING INSIGNIA ON  
TEXAS MOTOR VEHICLES  
LICENSE PLATES**

Mr. Harp offered the following resolution:

H. C. R. No. 21, Concerning insignia on Texas motor vehicles license plates.

Whereas, In recent years we have become cognizant of the fact that the State of Texas should be properly advertised; and

Whereas, The name "Texas" is closely associated with the Longhorn cow of trail driving days; and

Whereas, Other States of the Union have capitalized on their State, maps, birds, etc., by placing the insignia of the aforementioned maps, birds, etc., on the motor vehicle license plates; and

Whereas, The insignia of the Longhorn cow can be added to the Texas motor vehicle license plates without extra cost; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Highway Department of Texas be and the same is hereby instructed to place the insignia of the Longhorn cow on the 1940 motor vehicle license plates of the State of Texas in such a manner as may be by it considered practical.

The resolution was read second time.

Mr. Alsup moved that the resolution be referred to the Committee on Highways and Motor Traffic.

Mr. Harp moved to table the motion of Mr. Alsup.

The motion to table was lost.

Question then recurring on the motion of Mr. Alsup, that the resolution be referred to the Committee on Highways and Motor Traffic, it prevailed.

**REPORT OF COMMITTEE AP-  
POINTED TO INVESTIGATE  
DEPARTMENT OF EDU-  
CATION**

Mr. Bond, submitted the following report:

Austin, Texas, June 9, 1938.

To the House of Representatives  
Forty-fifth Legislature,  
Austin, Texas.

We, the members of the House Investigating Committee appointed to

investigate the Department of Education by authority of House Simple Resolution Nos. 37 and 196, having completed as far as we are able to do so our investigation of the Department of Education herewith submit to the Forty-fifth Legislature, the following report of our finding.

Our work is incomplete, there being many angles on information we have at hand that should be further investigated, but due to lack of funds we are hampered in completing this investigation. A misunderstanding or difference in opinion held by the Attorney General's Department and the Chairman of the Contingent Expense Committee, on expenses incurred on behalf of House Simple Resolution No. 257, authorizing the investigation of E. N. Stanley, with the Railroad Commission, referred to this Committee, the expenses of which investigation having by the Chairman of the Contingent Expense Committee been charged to funds specifically appropriated to this Committee for the purpose of investigating the Department of Education, has depleted our funds for the purpose of this specific work. This opinion held by the Chairman of the Contingent Expense Fund puts a damper on the further investigation of the Department of Education by this Committee.

The facts assembled upon which this report is based are principally found upon information received from the records available in the Department. Forty or more witnesses were sworn and interrogated before the Committee and where testimony is used as the basis of this report such information furnished by sworn testimony has been verified by documentary evidence. We feel that our report, if it is to serve the purpose anticipated by the House, should be confined to the system of operation of the Department and to the irregular practices by it to serve as a guidance in constructive legislation in the future, and not for political aggrandisement.

We find that a general policy of waste and extravagance has been pursued by the Department of Education. Specific instances of the same will be outlined in this report.

Disregard of Appropriation Bills in Pay-rolls

There has been an utter disregard in many instances of salaries set by

the Legislature for the Department. The General Appropriation Bill for State Departments by the Forty-fourth Legislature set salaries of porters for the State Department of Education at \$660.00 per year. Ralph Richardson, a porter in the Department of Education, was paid by the Department \$971.00 during the 1935-36 fiscal year, and \$967.40 in the 1936-37 fiscal year. Another porter, Harvey White, whose salary was also fixed by the Legislature at \$660.00 per year, was paid \$1,010.00 for salary during the 1935-36 fiscal year and \$967.50 salary for the 1936-37 fiscal year. When these two porters salary together were set at a total sum of \$1320.00 they together were paid \$1275.90 in excess of that allowed by law.

Senate Bill No. 138 of the Forty-fifth Legislature, which was the Departmental Appropriation Bill, set salaries of the Vocational Educational Division employees of the State Department. This appropriation bill contained the following provisions:

"All expenditures authorized in connection with administering vocational education aid shall be matched with Federal funds, except where such matching is prohibited by Federal regulations and all State expenditures shall be made out of the funds appropriated by school equalization aid."

The law therefore is plain that these funds appropriated for salaries for that Department must be matched by Federal funds. When salaries for September, 1937, came due in that Department it was determined that the division could pay as much as sixty per cent of total salaries on the Federal grant. All salaries were raised accordingly so as to use the full State appropriation. The raise in salaries was in direct violation of those set by the appropriation bill.

During the summer of 1935, Dr. Jeremiah Rhodes, then the First Assistant State Superintendent, taught a twelve week session at Baylor University at Waco, and was paid for his services by Baylor University, and according to his testimony, by an arrangement with the State Superintendent his State salary was paid him regularly by the State and part of it was paid by him to other State employees then on the State pay-roll. Dr. Rhodes paid S. Ozell Murdock \$100.00 on July 5, 1933, by his per-

sonal check drawn on the Austin National Bank, a photostatic copy of which is filed among the papers in this report. Murdock drew a salary warrant for July from the State of Texas in Warrant No. 174594 in the sum of \$150.00. On July 30, 1935, Dr. Rhodes gave his personal check for \$100.00 drawn on the same bank to Nell Parmley, another State employee then on the regular payroll. This was repeated by another personal check of Dr. Rhodes' to Nell Parmley on September 1, 1935, in the sum of \$50.00. Photostatic copies of these checks are among the testimony in this case. Both Murdock and Miss Parmley were on the State payroll at the time they were paid these sums of money by Dr. Rhodes and had regular assignments by the State Department of Education. Dr. Rhodes, now deceased, testified upon his oath that these sums of money were paid to these employees at the request of the State Superintendent and that his salary paid him by the State of Texas while he was performing services at Baylor University, and being paid by Baylor University was the arrangement of the State Superintendent, L. A. Woods. This \$650.00 of the fund appropriated to the State Department of Education was paid Dr. Rhodes for services not performed by him or performed by employees already being paid by the State of Texas.

We find Mrs. W. F. Doughty classified as Librarian according to her testimony and other witnesses, and reports and bulletins of the Department of Education which classification was made September 5, 1935. The appropriation bill made provision for a Supervisor of Physical Education. Mrs. Doughty began drawing the salary set for Supervisor of Physical Education which was \$187.50 per month, September 1, 1935. She never acted as Supervisor of Physical Education and such services were performed by Deputy State Superintendents in the field away from Austin, who had other regular assignments. The fact is no position of Supervisor of Physical Education ever existed in the Department of Education and does not now exist, regardless of the fact that the Forty-fourth and Forty-fifth Legislature appropriated and set aside \$187.50 per month for such a position, in the departmental appropriation bills. Mrs. Doughty testified that



since September, 1935 when she was raised from \$125.00 per month to what she contends was \$135.00 per month she had been paying a part time stenographer \$52.00 per month out of the \$187.50 warrant each month which arrangement was made at the direction of her superior, J. W. O'Bannion. Her testimony was that she received \$135.00 out of the \$187.50 warrant, and that \$52.00 was paid by her to a part-time stenographer in Mr. O'Bannion's Department, and that fifty cents of the State warrant was for discount by the warrant companies.

We find that it is a very common practice among the different divisions of the Department of Education to have employees working in one division carried on the payroll of another division in order that their salary may be lowered or raised as the various division heads might see fit. Instances of this practice are too numerous to mention in this report. Along this line, we find that the State Board of Examiners' Division has not been paying salaries in equal monthly installments but has followed the practice of making advances during the month.

Another instance of State Department employees being paid their salary while not performing any service for the State was found in the fact that Miss Edgar Ellen Wilson, Second Assistant State Superintendent, attended Peabody University at Nashville, Tennessee, during the summer session of 1937, and part of the regular term for the 1937-38 term. We find that she left Austin on June 12, 1937, and arrived in Nashville, Tennessee, June 15, 1937. She was paid her full salary of \$200.00 for the month of June, and also traveling expenses from Austin to Nashville in the sum of \$59.05. She turned in an expense account from June 12, to June 15, for her personal car as mileage expense for a total mileage for round trip from Austin to Nashville totalling \$93.00 mileage. This was done before the return trip had been accomplished. The State Comptroller refused to pay the \$93.00 mileage item and cut the same to \$46.50 which was granted, making the total of \$59.05 paid by the State of Texas and which account was approved by L. A. Woods, State Superintendent. Miss Wilson was paid her July salary in the sum of \$200.00 out of college en-

trance fund by check number 214, with the notations shown on the account "Writing Library Bulletin". The August salary for Miss Wilson was paid by State warrant number 212053 in the sum of \$100.00, which covered one-half of her monthly salary. This was made from the main office payroll and she was paid as Acting Second Assistant State Superintendent. On July 21, 1937 she was paid the additional \$100.00 for her August salary from the College Entrance Fund in check number 218. For the \$300.00 paid her from the College Entrance Fund for the months of July and August, her salary set by the Legislature as Second Assistant State Superintendent was evidently paid Miss Georgia Walker, as she was paid this sum of money from the main office. When Miss Wilson returned from Nashville to Austin on August 23, 1937 she was paid her expenses back to Austin on August 21, 1937 out of College Entrance Fund to the tune of \$49.40 by check number 217. She resumed her duties as Second Assistant State Superintendent on August 23, 1937, and on Friday, September 23, 1937 she again left for Nashville, Tennessee to attend the regular winter term at Peabody University. She received a warrant in the amount of \$250.00 in full payment for her services as Second Assistant State Superintendent for the month of September 1937. The appropriation bill for the 1937-38 biennium raised her salary from \$200.00 to \$250.00 per month. For the months of October, November and December she was paid the sum of \$125.00 each month from State funds while she attended Peabody College at Nashville, Tennessee. The only evidence this Committee has that she performed any service for the State during that period of time is her testimony in her trial in the District Court of Travis County, in which she testified that during the months of October, November and December 1937 while she was attending Peabody University, she returned to Texas at intervals and rendered service approximately one-half the time she was at Peabody University in the eastern part of Texas.

#### Excessive and Duplicitous Mileage and Travel Expense

Numerous instances were found where two or more employees of the Department made trips from the same



point on the same dates to the same destination but each apparently used his car as each charged for the mileage. In this connection, there has been indiscriminate use of private automobiles on long trips when busses, trains and even airplanes would have been much cheaper. The Department owns no automobiles and private cars are used for transportation and an expense of five cents per mile charged for its use. In some instances we found employees charging as much as 40,000 miles per year making this travel item for one individual amount to \$2000.00 per year alone for the use of his or her private car, exclusive of maintenance expense.

We found some instances of employees making trips for the promotion of seal sales campaigns for the Society for Crippled Children at State expense. We found that the records disclosed that the activities of the Society for Crippled Children, Inc. is closely interwoven with the Crippled Children Division of the Vocational Rehabilitation Department. On the travel expense of employees for the promotion of the seal sales campaign for the Texas Society of Crippled Children, Inc. there was shown on the expense account the purpose of the trip to be in the interest of "promoting the seals sale campaign".

Each summer it has been the practice to pay Deputy State Superintendents their regular salary and in many cases maintenance expense at Austin while such employees attended the State University during the summer session. An examination of expense accounts on file in the Comptroller's office indicate that at least ten men employed by the Department were allowed their room rent varying from \$15.00 to \$25.00 per month in Austin during the summer of 1934. These employees were Deputy State Superintendents or what is commonly known as Rural Aid Supervisors. The Registrar's office at the University of Texas shows that at least fourteen Deputy State Superintendents were registered for three semester hours during the first half of the summer of 1934 and one was registered as carrying six semester hours of work. A check for the summer of 1937 shows that six of the Deputy State Superintendents were paid their regular salaries while they attended the State University. In addition to being paid

their regular salaries, three of these employees received travel expense and/or maintenance expense while in Austin. One of them received a total of \$12.70 travel expense, \$58.15 maintenance expense; a second received \$10.50 maintenance expense, and the third received \$10.00 travel expense and \$57.57 maintenance expense. It is evident that State employees attending the State University during the summer months carrying the number of hours work that a greater portion of these employees were doing could not under the circumstances have rendered any service to the State, and that in addition to receiving their salaries in many instances they were paid their room rent and in some instances travel expense while they were attending the State University.

In connection with this it has been the practice for many years to employ additional help during the summer months to grade college entrance examination papers. The Committee has not found where any Deputy State Supervisor whose work in the field had been completed for the year ever were engaged in grading any of the college entrance examination papers.

#### Text Book Division

We find that the purchase of text books has been excessive and discriminate. It was found that the publishers of Sixth and Seventh grade readers, the American Book Company shipped 40,244 of these readers in excess of the number ordered by the schools. The price of the excess books received and paid for over and above that ordered by schools amounted to \$47,760.82.

In the year 1930 the State Board of Education adopted "World History in the Making," also published by American Book Company. This book with the addition of sixteen pages in the back of the book, headed "Conclusion," was re-adopted in 1935 by the Board and was the same identical book with the additional sixteen pages. The "Conclusion" is nothing more than a synopsis of the text book. The 1930 adopted books, many thousands of them were discarded by the State Department. The contract price of the 1930 adoption was \$1.54 each and the 1935 adoption \$1.30 each. Should the "Conclusion," 1935 adoption have been so valuable as to necessitate its adoption such supplement could have been added to the 1930 edition by re-

binding the 1930 edition then in stock and adding the "Conclusion" at a great saving, or it would have been much more economical to the Department to have purchased the "Conclusion" supplement in a separate book supplementing the 1930 addition.

The minutes of the State Board of Education and its available records of the text books division of the State Department of Education indicate that the State Board of Education adopted "Our Music in Story and Song," by author Feresman in October 1935 as a Seventh grade supplemental reader. Article 2843 of the Revised Civil Statutes of Texas authorize the Text Book Division to select and adopt a uniform system of text books to be used in the public free schools of Texas and enumerated the subjects on which text books may be selected and limit the purchase of text books to the subjects covered in that paragraph. No where in the above quoted Article is the State Board of Education authorized to purchase music books, and consequently the text books referred to in the beginning of this paragraph as adopted in October 1935 was adopted as a reader. The contract with the American Book Company, publishers of the text was for the scholastic year adoption of the 1936-37 with the contract expiring September 1, 1937. The catalog of Text Books Bid compiled by the State Department of Education indicated that 79,000 copies would be needed to supply each Seventh grade scholastic of Texas with one copy of this text book. The orders placed by the Department of Education for the above titled Text requisitioned and received 261,402 copies at \$.72 each or a total cost to the State of \$188,209.44 instead of the estimate number needed as indicated in the catalog of Text Books Bid and as requested by county and independent school districts. The American Book Company began delivery of the text in May of 1937 which was the last school month for which the book had been officially adopted. The figures quoted above and the number of our "Music in Story and Song" text books requisitioned and received is taken from the bulletin number 385, the State Department of Education, issued May 1938.

We also find that the State Department has been fostering and en-

couraging the purchase by schools of phonographs and records in connection with their music program. We find bulletin number 378 entitled the "Teaching of Music in Texas Public Schools" issued in December 1937 at a cost of several hundred dollars to the State of Texas. On page 241 to page 260 of this bulletin is listed Columbia, Brunswick and Victor phonograph records recommended for use in the various schools of the State.

Many instances of overloading schools in excess of the amount of text books ordered were found. Especially was this true with the American Book Company's Sixth and Seventh grade readers referred to above. We found that the State Department had almost discontinued a policy of having excess and unused text books and out-of-adoption books held by the various schools in the State Book Depository at Austin. The number of out-of-adoption books shipped to the book depository at Austin have materially and continually decreased for the past five years. There has been a great decrease in the number of usable books coming in from schools to the Department and consequently a great decrease in the percentage of usable books received.

A check of the number of books rebound since the year 1930 showed that they had materially decreased. We found that a substantial saving could be affected by having the in-adoption and out-of-adoption books available, rebound and thereby decrease the purchase of new text books. The following figures showed a decrease in the total cost of rebinding books since the year 1930:

1929-30.....	\$81,109.50
1930-31.....	44,882.62
1931-32.....	25,706.97
1932-33.....	24,772.27
1933-34.....	33,824.87
1934-35.....	28,546.20
1935-36.....	15,437.53
1936-37.....	20,903.04

The following is a statement showing the increase in the sale of books on exchange:

1929-30.....	\$ 66,841.13
1930-31.....	34,783.33
1931-32.....	14,806.86
1932-33.....	37,565.72
1933-34.....	7,535.29
1934-35.....	27,726.61
1935-36.....	114,531.61
1936-37.....	135,289.62

It will be noted from the figures above that while rebinding is decreasing the sale of new books on exchange is greatly increasing. It is impossible to estimate the saving that could be affected by rebinding the books that are usable, rather than discarding and buying new text books, but on certain classes of text books the contract the State now has with the rebinding company for performing this service would save it at least one-third on the price of a single text book. Many, many thousand dollars could be saved by re-instituting the practice of rebinding books, especially books in the higher initial cost bracket.

#### Rural Aid

We find that rural aid was being excessively and improperly administered at the time of the passage of H. B. No. 600. Most schools were either allowed more or less by the Department than they were entitled to under the law. A few instances were found where schools entitled to aid were denied. One instance of denial was found in the Forney School in Kaufman County. More schools were approved in excessive grants than were approved for insufficient grants. H. B. No. 600 appropriated \$1,000,000.00 to supplement the \$10,000,000.00 appropriated by H. B. No. 327 of the Forty-fourth Legislature for the biennium 1935-37 for rural aid. The former bill appropriated \$10,000.00 of the \$1,080,000.00 to the Census Division and \$3,000.00 of such fund to the State Auditor's Department, leaving \$1,067,000.00 for all purposes of rural aid. \$150,000.00 of this appropriation was earmarked for high school tuition to bring the 1935-36 tuition payments to 87 per cent for all schools. The Department had paid various schools from 58 per cent to 87 per cent of what they were entitled to under the appropriation bill. The supplementary appropriation bill referred to above passed by the Forty-fifth Legislature provided that none of this appropriation should be paid schools until the applications had been audited and approved by the State Auditor. It also set up a joint Legislative Committee to pass on applications for rural aid under its provision. The report of the State Auditor working with and under the authority of the Joint Legislative Committee provided for in H. B. No. 600 has recently

been released and questions discussed herein relative to rural aid administration can be verified by the report.

Page 65 of the above mentioned report indicates that 87 per cent of tuition grants for the scholastic years 1935-37 as approved by the State Department of Education equalled \$816,873.00, while 87 per cent of the grants as determined by the State Auditor total \$771,811.00, making an excess approved by the Department of Education of \$45,062.00. Of that \$45,062.00 the Department had already paid out \$37,262.00 of which amount the Committee and auditor redeemed \$27,169.00 by subtracting the excessive grants paid from the 1936-37 tuition grant, leaving an amount due the State and uncollected of \$10,066.00.

Due to general conditions of record and application reports from the schools, the Committee and the State Auditor were unable to determine the Department's official grant for the scholastic years 1936-37. However, page 193 of the State Auditor's report indicates that the State Department of Education in making the first 50 per cent payment on salary and transportation aid for this period before the passage of H. B. No. 600 had made excessive payments to the schools in the amount of \$9,877.00.

On page 3 of the Auditor's report is shown a schedule history of the rural aid appropriations and the administrative costs for each biennium. Beginning with the biennium of 1919-21 when rural aid supervisors or assistant state superintendents were added, the administrative cost was fairly constant until the biennium of 1933-35 when an increase over administration cost of the previous biennium equalled \$23,000.00. Then the succeeding biennium that is the 1935-37 biennium the administration cost practically doubled, or an increase of \$105,340.00 over and above the 1933-35 biennium. For the 1933-35 biennium the administration cost was \$113,860.00. For the 1935-37 biennium the administrative cost was \$206,520.00. This Committee is unable to find why the excessive cost of administration of rural aid.

In the State Auditor's report it is indicated that the rural aid expenditures for the scholastic years of 1935-36 that 197 schools were approved for excessive tuition payments

by the State Department of Education. The Joint Committee and State Auditor, however, were able to recover all or a part of the over payments from 138 such schools. The statement for rural aid grants and payments for the scholastic years of 1936-37 does not indicate the number of schools given excessive grants by the State Department of Education, but it does indicate that excessive grants were made to 68 schools from which the Committee and Auditor could not recover. The Elkhart State aid application for scholastic years of 1936-37 indicated that the Deputy State Superintendent approved a grant of \$16,345.00; the Director of Rural Aid later changed the grant to \$8,545.00 which amount was still later raised \$7,792.00 making a total of \$16,346.00, which is \$1.00 in excess of the grant allowed by the Deputy State Superintendent. The State Auditor figured the application and the Joint Committee approved the same for payment in the amount of \$11,153.00 or a net reduction of \$5,193.00. As is reflected on page 66 of the State Auditor's report, the Elkhart School was actually paid \$11,153.00. The \$5,193.00 excess grant made by the Department was found to be over and above that legally allowed by law.

We found that in examining the Deputy State Superintendents before the Investigating Committee that there was a lack of knowledge of rural aid law and the rules and regulations concerning the same on their part. There is a conflict of opinion among the Deputies relative to the application of the State Rural Aid Law and not often agreeing among themselves or with the Director of Equalization as to the interpretation and practical application of the law. We found that very few or none of them checked the Tax Collector's Office of the various counties to determine whether or not the schools making the applications were collecting the percentage of taxes required by the law. Neither were they checking the County Superintendent's records to determine whether or not the teachers were qualified in experience and qualifications, nor were they checking the depository reports to determine whether or not the various schools applying for rural aid were complying with the law or were padding their applications. The Legislature, as well as this Com-

mittee learned that the State Superintendent was not familiar with the facts concerning the needs of the Rural Aid Division, nor the regulations applicable to same. A letter dated March 31, 1937 and directed to Members of the Forty-fifth Legislature is quoted below.

STATE  
DEPARTMENT OF EDUCATION

L. A. Woods, State Superintendent  
Austin, Texas  
March 31, 1937

To the Members of the House of  
Representatives  
Gentlemen:

This is to certify that it will take \$2,270,345.00 to pay the salary aid claims in the rural schools of the State of Texas for the year 1936-37, that it will take \$71,367.00 to pay the industrial claims and \$1,877,579.00 to pay the transportation costs, making a total of \$4,219,291.00. Thus you see from these figures that we lack \$51,391.00 in the rural aid fund to pay the three items mentioned above on a 100% basis.

The best estimate we can give is that it will take \$1,500,000.00 to pay the high school tuition. We were short not less than \$150,000.00 on last years' high school tuition. Adding \$51,391.00, \$150,000.00 and \$1,500,000.00, you will find it will take \$1,701,391.00 to pay one hundred cents on the dollar for the year 1936-37. You will note that tuition is the only estimated figure.

Allow me to call your attention to the fact that four years ago when the Legislature gave me \$1,600,000.00 to pay off a deficit in the rural aid fund, I was able to turn back to them and did turn back to the general fund, \$207,438.50.

No one can truthfully say that this Department has not been fair with the Legislature and the general citizenship of this State which I represent. I am clearing my skirts of what the consequences may be. The books of the Department have been audited by the State Auditor and the Legislature has his report. If it is the desire of the Legislature to pay only 87% of the needs of the rural schools of this State in order that they may run for a term of eight months, certainly you would take 87% of the above amount necessary to pay on a one hundred

per cent basis and subtract from it the amount of money already appropriated for this purpose, which would give \$938,383.00. Please keep in mind that the 13% shortage for last year is not included.

It has not been my purpose at any time to try to dictate to the Legislature what they should do. It has been my purpose to put the facts before you. This I have done. It is yours to act upon.

Sincerely yours,

Signed: L. A. WOODS

LAW:RW State Superintendent.

According to this letter the figures given by the State Superintendent necessary to bring the 1936-37 rural aid appropriation to 100 per cent was \$1,701,391.00 for the year 1936-37. As above stated \$150,000.00 of the \$1,080,000.00 deficiency appropriation to care for the 1935-36 rural aid shortage was earmarked for high school tuition for the entire period. The \$1,077,000.00 available for rural aid as administered and paid by the Joint Legislative Committee paid 95 per cent of the grants for 1935-37 rural aid. This did not include the 1935-36 scholastic year on any other than high school tuition, due to the fact that the Department did not have records available to enable the auditing department or the joint legislative committee to definitely determine what amount, if any, was due any particular school. Notice is called to your attention in the fourth paragraph of the above quoted letter reading as follows:

"I am clearing my skirts of what the consequences may be. The books of this Department have been audited by the State Auditor and the Legislature has his report".

So far as the Committee has been able to determine there had never been a complete audit made of the rural aid division by the present Auditor or any prior Auditor. There was, however, an examination made by the records of the rural aid division of the Department of Education by State Auditor George B. Simpson whose report was submitted on July 8, 1935 covering the fiscal year beginning September 1, 1933 and ending August 31, 1934.

#### Political Activities of the Department

It was found that the employees of the Department, specially including

the employees in the higher brackets were called on at least every election year to donate campaign expenses of the State Superintendent. These campaign contributions were not only confined to the employees of the State Department of Education proper, but in one instance a request was extended to an employee closely associated with the State Department of Education. This employee was employed by the General Board of Education of New York City.

In connection with the political activities of the employees, a letter directed to the Deputy State Superintendent of the Department under the signature of Edgar Ellen Wilson is quoted below, which should be self explanatory.

Austin, Texas, September 3, 1936.

Deputy State Superintendent:

I know you will be glad to help comply with Mr. Woods' request that I do my best to get a complete report on the campaign this past summer. He is anxious to have the vote of each county by boxes. That is, he wants to know how many votes he received and how many Mr. Bullock received in each box of each county. We hope you will find it possible to get this information for all the counties in your district. In most instances, I am sure the county superintendent and other officials will be glad to cooperate with you in compiling the report. In some instances, it may be necessary for you to get the information from the county clerk's office.

In getting this information, when possible we would appreciate your making notation opposite a box that went against Mr. Woods the reason for same. He feels that this information will help him in the school program. Naturally, we would like to know where people have been dissatisfied, and if possible we will find a way to adjust the situation. As near as possible we would like to have the name of the political leader or advisor in each voting box, and specially the name of one person in each box who is a friend of Mr. Woods.

You may think this is quite an undertaking, but when you consider the matter thoroughly, I believe you will agree with us that the information is needed. When you want me to do something for you, please call on me and I will do my best, just as I am

sure you will in complying with this request.

With best wishes, I am

Sincerely yours,

EDGAR ELLEN WILSON,  
Second Assistant State  
Superintendent.

EEW:RW

The work necessary to carry out the instructions in the above letter would entail an enormous expense that would be impossible to calculate.

#### Rehabilitation Division

In the Rehabilitation Division we find that during the years 1934-35 it was the practice to purchase artificial limbs for rehabilitation clients, on the proposition of the client paying one-half the cost of the limb. This was due as explained to the Committee to the lack of funds for that purpose. By an arrangement with the limb companies the limb company would finance the clients part of the transaction and would extend to the State Department of Education, Rehabilitation Division, its check or draft for the client's portion of the limb. The State Department would then issue a State Warrant to the limb company for the entire price of the limb. The amount remitted by the limb company was first deposited in the State Treasury as State funds, but was later in 1935 deposited in a special fund in the Austin National Bank. This fund deposited in the Austin National Bank was used to match further Federal Funds for rehabilitation purposes. The Federal Government permitted matching Federal Funds by grants from public subscription or donations as well as by the State Grant.

The Committee found that Marguerite Dittman who resided at 505 Avenue D, Austin, Texas had made application for rehabilitation training June 25, 1936. The record showed that she had an arrested case of tuberculosis. She was given rehabilitation training in the Texas University on February 1935 through the first summer term of 1937. Her application for a medical course with the medical school of Texas University, Galveston, Texas was filed September 1937. This application was refused by the Galveston University because her grades at the State University at Austin were not sufficient. On September 24, 1937 special warrant number 5837 drawn on Federal

Rehabilitation Funds for \$187.00 payable to Heidelberg American North German Lloyd Line for transportation from New York to Heidelberg, Germany. Also special warrant number 5838 drawn on the same fund for \$289.64 payable to Missouri Pacific Railroad Company for transportation to New York was made. This young lady was paid her transportation to Heidelberg, Germany to take a special course in medicine from the Rehabilitation Fund as above shown. The following letter received by the Director of the Vocational Rehabilitation Division, Mr. J. J. Brown is quoted by explaining the entire transaction.

United States  
Department of the Interior  
Office of Education  
Washington, D. C.

September 16, 1937.

Dear Mr. Brown:

I am in receipt of your letter of September 9 and must confess that I am at somewhat of a loss in my ability to answer the question raised therein.

Your request is a most unusual one. Naturally, I do not have adequate information on the case to give you a satisfactory answer. I would call your attention to the fact, however, that the proposed rehabilitation objective in this case is a rather hazardous one. In the first place, a course in medicine requires six years including internship. Many things can happen in a long period like this to bring about failure insofar as eventual rehabilitation is concerned. In the second place, while this young lady is studying medicine in Heidelberg, Germany, you will have no opportunity whatsoever to supervise her training, which supervision is of course one of the main factors in any rehabilitation program. Again, the question is raised in my mind as to how often she would want to return to the United States during these six years of training and whether she would ask you to pay her transportation to and from the United States on these trips.

It is presumed that you have counselled and advised carefully with this young lady and have determined that it is a feasible thing to train her in medicine. You have also doubtless investigated the cost of transportation from Austin, Texas to Heidelberg, Germany. You have doubtless also in-

vestigated as to whether or not it is the young lady's plan to return to this country and render service here or to remain in Germany after you have paid for her transportation over there. Naturally, I do not have these facts at hand.

I shall, therefore, have to leave the decision in your hands but would suggest that it would not be wise to take the action you have suggested in your letter of September 9 unless this young lady, who is a citizen of the United States, plans to return to this country or takes that course in Germany. I can see where it might be cheaper for you to pay her transportation to Heidelberg, where she has a scholarship, than it would be to pay all of her costs in a medical school in this country for a period of four years.

I hope that I have given you some suggestions above which will help you in reaching a final decision in this case but I must leave this final decision to your good judgment.

Very truly yours,

H. B. CUMMINGS,  
Agent, Vocational Rehabilitation.

The foregoing letter is dated September 16th, at Washington, D. C., and transportation was secured on the 23rd day of September 1937, seven days after the drafting of the above letter. It might be argued by the Department that this expenditure was made from Federal Funds, but it will be noted from the general appropriation bill that State funds must be matched by Federal funds and the same provision applies to Federal funds advanced to the State Rehabilitation Division.

In conclusion the Committee does not feel that it should make any definite recommendations to the House based upon the findings of this Committee. We feel that the experience of the Members of the House along these lines will enable them to work out and cure the defects and evils reported by this Committee. However, this Committee does feel that the Legislature in the future should work out a rural aid bill whose terms will be definitely understandable. In previous rural aid appropriations general provisions have many times been amended by special provisions which in effect supercedes the general pro-

vision and makes the bill indefinite and vague on certain points.

Respectfully submitted,

BOND,  
PETSCH,  
LONDON,  
FIELDEN.

Committee appointed  
to investigate the Department of Education.

On motion of Mr. Morris, the reading of the report was dispensed with and same was ordered printed in the Journal.

#### REPORT OF THE COMMITTEE TO INVESTIGATE THE NEW LONDON SCHOOL EXPLOSION

Mr. Tennant submitted the following report:

Hon. Walter Woodul, President, State Senate.

Hon. Robert W. Calvert, Speaker, House of Representatives, Austin, Texas.

Mr. President and Mr. Speaker:

We, your Committee, appointed by virtue of House Concurrent Resolution No. 70, of the Forty-fifth Legislature, Regular Session, to investigate the circumstances surrounding the New London tragedy and make recommendations to the Legislature as to necessary legislation to prevent the recurrence of similar catastrophes in the future by the enactment of more rigid building and inspection laws, have completed our labors and beg to make the report attached hereto.

HILL,  
REDDITT.

On the part of the Senate.

LEATH, Chairman.  
WOOD,  
TENNANT.

On the part of the House.

Honorable Walter Woodul, President, State Senate,

Honorable R. W. Calvert, Speaker, House of Representatives,  
and

Members of the Forty-fifth Legislature:

Pursuant to House Concurrent Resolution No. 70, your undersigned committee met in the Randolph Hotel, Henderson, Texas, on the morning of March 22, 1937, at ten o'clock,



for the purpose of investigating the circumstances surrounding the explosion of the New London school building, in an independent school district located in northern Rusk County, Texas, which occurred approximately three p. m., March 18, 1937, and caused the death of 284 pupils and 14 teachers.

Due to the fact that Governor James V. Allred had, prior to the passage of this resolution, as Commander in Chief of the Texas State Militia, ordered a military court of inquiry into the cause of said explosion, your committee, in the interest of economy and as a matter of expediency, thought it best to sit in at that hearing in order to prevent a duplication of testimony. The Bureau of Mines of the United States Department of Interior also conducted an independent investigation through its representatives. Your committee at different intervals after the completion of said hearing interrogated under oath expert witnesses in every field of construction work, including electrical engineering, plumbing, chemical engineering and architectural engineering. The committee also availed itself of the opportunity of studying the building codes of the following municipalities: Richmond, Virginia; San Francisco, California; Detroit, Michigan; San Diego, California; Seattle, Washington; Portland, Oregon; Philadelphia, Pennsylvania; Chicago, Illinois; Los Angeles, California; New Orleans, Louisiana; St. Louis, Missouri; Baltimore, Maryland; Boston, Massachusetts; and New York, New York.

The following citizens, their positions and the groups they represent were examined: L. V. Denning, Sr., American Gas Association; A. M. Crowell, Gas Engineer for Texas Railroad Commission; Dr. E. P. Schoch, Professor of Chemistry, University of Texas; E. P. Schmidt, Engineer Lone Star Gas Company; Mr. J. Fred Horn of the Department of Education, Director of School Plant Division; G. C. Hawley, Chief Engineer, Fire Insurance Department; R. M. Conner, Director of the American Gas Association Test Laboratories of Cleveland, Ohio, and Los Angeles, California.

Your committee wishes to acknowledge the help and assistance of the Attorney General's Department and especially the assistance of the Hon-

orable Scott Gaines, former First Assistant Attorney General, and the Honorable Wm. M. Brown, Assistant Attorney General. Appreciation is also expressed to the witnesses who voluntarily appeared at their own expense for the purpose of helping this committee in its work.

Based upon a thorough and comprehensive analysis of the information gathered from the above mentioned sources, your committee reached the same conclusions and recommendations arrived at by the investigators of the Bureau of Mines in their report on file in the State Library, which are as follows:

"1. The immediate cause of the disaster was the ignition and resulting explosion of a large volume of highly explosive natural gas-air mixture that had accumulated in an inadequately ventilated space beneath the first floor of the main school building. This space extended along the west front of the building and had a volume of approximately 64,000 cubic feet.

2. Gas was present in the space because of leakage from gas lines and their fittings (possibly a broken service connection) suspended beneath the floor, with virtually no method of detecting the gas or of removing it by natural or forced ventilation.

3. The physical evidence indicates that higher concentrations of natural gas were present in the north portion of the space beneath the first floor and suggests that the leakage took place in that part of the inadequately ventilated space.

4. Natural gas did not seep through the soil from adjacent gas lines or wells; this was determined fully by evidence obtained from 71 test holes drilled to the rock below the surface formation. Numerous tests of the atmosphere in the holes were made by detectors for inflammable gas with negative results.

5. Liquid hydrocarbons, such as crude petroleum and gasoline, and their vapors from surrounding wells and pipe lines were not responsible for the explosion.

6. The source of the gas supply is irrelevant to the cause of the explosion, and the results would have been approximately the same under similar conditions regardless of the composition of the natural gas used. The composition of gas supplied to

the building for some time prior to and at the time of the explosion possibly varied from day to day (a condition that may have caused some trouble in the operation of individual heating units), but the pressure on the line was relatively constant and moderate and no appreciable difficulty should have resulted from its use. The investigation revealed that the gas line that supplied the gas to the building was provided with traps to eliminate condensate and oily material.

7. The manipulation of an electric switch on a panel in the manual-training room near an open door leading into the north end of the inadequately ventilated region under the first floor ignited the gas, and the physical evidence shows that the explosion propagated in a southerly direction through the chamber.

8. Explosive mixtures of natural gas in air from the space under the first floor encompassed the switch panel, at least partly, because of a drop in barometric pressure on the afternoon of the explosion and the simultaneous increase in atmospheric temperature. Both pressure and temperature changes, in conjunction with a calm outside atmosphere with very little if any wind velocity, caused the gas in the space to expand, and its lighter specific gravity caused it to rise. The excess gas was forced from the space and rose because of its lightness through the open door, an opening offering the least resistance. The explosive mixture issuing from this opening either was deflected or was carried to the switch by minor air currents. A spark or arc when the switch was manipulated caused the ignition of the explosive mixture. The flame carried through the door into the space underneath the floor.

9. The evidence does not indicate that the individual heating units on the first floor of the building caused the ignition of the explosive mixture. However, these heating units and the piping to them may have been involved in causing explosive mixtures to be formed in the chamber below, because moving of a heating unit may have broken a gas connection in the space below the floor.

10. Tremendous forces were developed during the explosion, as evidenced by the extent and violence

of the destruction, indicating that the natural gas-air mixture was in proportions that gave a high rate of flame propagation and pressure developments. This large volume (possibly as much as 64,000 cubic feet) of an ignited explosive mixture of gas and air was in an enclosed and virtually confined space with little or no opportunity for expansion; hence, maximum opportunity was afforded to build up high pressure as the explosion wave progressed, with consequent widespread disruptive and destructive effect. Some of the evidence of the high pressures were the passing of a brick entirely through a 12-inch brick and tile wall and the throwing of a 1,500-pound slab of concrete about 25 feet into an automobile.

11. Because the explosive natural gas-air mixture appeared to be more or less uniformly mixed, as evidenced by the violence of the explosion over the entire space under the first floor and the absence of flame and black smoke when the mixture exploded, the conclusion appears to be warranted that the accumulation was due to one or more relatively small leaks rather than to one large leak. In a shallow chamber of the dimensions given, considerable time must have elapsed to permit the natural gas to mix uniformly with the air. In view of this, the Bureau's engineers conclude that the accumulation of gas had been going on for a considerable time previous to the explosion. It is possible that highly explosive mixtures may have been present in the space for some time, but they did not explode because there was no source of ignition.

12. Obviously, it is a grave mistake to allow unfilled or unventilated spaces to exist beneath the floor of any building where combustible gas or vapors may accumulate, from piping or from seepage through or under the foundation walls from outside sources.

#### Recommendations

The lessons learned from this explosion warrant the following recommendations. If they are complied with, future tragedies of the type described in this report should be avoided in large measure:

1. All schools and other public buildings should be constructed so that there are no unventilated, rela-

tively inaccessible, enclosed spaces or chambers, especially in the basement under or near recitation or assembly floors. Wherever possible, the first floor should be laid directly on the ground, where this type of construction is impracticable, spaces between the floor and the ground should be filled with earth or otherwise handled, making impossible the accumulation of explosive mixtures underneath the floor. Building plans should be studied critically from a safety viewpoint with respect to this feature. Architects can assist greatly in this campaign for future safety in school and other buildings by eliminating underground unventilated or inadequately ventilated chambers, tunnels, or pockets that are exceedingly dangerous if combustible gases or vapors can leak into them and become ignited.

2. Schools and other public buildings that have unventilated basements, chambers, tunnels, or other spaces under floors and steps, and attics should be provided immediately with adequate, constantly functioning ventilation. Ventilators not only help to keep such places free of combustibles, but also act as pressure releases if an explosion does take place. If ventilators are of adequate size and are spaced at proper intervals in all sides of a chamber, they will aid in dissipating the pressure and thus reduce the violence if an explosion occurs.

3. Suitable warning agents with distinct odors, introduced into fuel gases that have little or no odor of their own, have proved to be helpful in detecting leaks in public buildings and private homes. Although use of malodorants is only one factor to be considered in providing adequate protection (as explosions have occurred with mixtures of air and manufactured gas, which has a distinct odor), study should be made of fuel-service installations, especially in schools and other buildings where the public assembles, with the view of determining the need for impregnating the gas with a warning agent that will enable users of gas to detect leakage. The malodorant should have a characteristic odor and should be added to the gas in large enough quantity to give a warning of impending dangerous conditions before explosive concentrations may be reached. Even though the teach-

ers and pupils of the New London school were accustomed to odors of gas and oil from the oil field in which they lived, it is likely that a malodorant in the gas used at the school would have given warning in time to have prevented the explosion or at least to have prevented occupation of the building until the source of the escaping gas could be determined.

4. Alarm systems based on instruments that will detect the presence of inflammable gas and bring the existence of dangerous concentrations of combustibles in confined spaces to the attention of officials in charge of school buildings, have value but do not really solve the problem. Efforts should be made to eliminate the causes, thus making alarms unnecessary. Highly explosive gas or vapor might accumulate easily in an unventilated or inadequately ventilated chamber or tunnel in so short a time that means could not be taken to eliminate the trouble before the explosion took place. The elimination of all such unventilated or inadequately ventilated places where an alarm would be placed appears to be the correct solution.

5. All gas lines, services, gas meters, and gas appliances serving schools and other public buildings should be installed in accordance with the American Gas Association requirements for house piping and appliance installation, and all electrical equipment and appliances should be installed in accordance with requirements of the National Electrical Code. They should be operated in accordance with known safe practices and should be tested and kept in repair at all times.

6. Responsibility for the construction, maintenance, and operation of gas pipe lines serving the public, and especially for the regulation of pressures in such lines, should be exclusively under the control of persons or organizations experienced in such work. Schools that use gas for heating or other purposes should purchase their fuel supply from a public service company that, through experience and regulation, may be depended upon to give a more uniform supply of gas and thus a better and safer service than can be obtained from a residue gas line not operated for the purpose of supplying the service required.

7. Responsibility for testing, lighting, and general care of an entire heating system should be entrusted only to persons who are familiar with the system and competent to handle it safely and efficiently.

8. All gas lines to schools and other public buildings should be installed in well-ventilated places, and advantages in safety may be gained by placing gas lines or headers outside of buildings, thereby minimizing the hazard of gas leakage in enclosed spaces. In some instances weather conditions, architectural design, or possibilities of aggravated corrosion may make such construction inadvisable. However, it is desirable to reduce to a minimum the enclosed piping for fuel purposes within a public building. Some types of construction may require that lines be placed in attics. Under these conditions, sufficient ventilation should be provided to dissipate gas leakage. Installation of piping in a manner that will keep it free from strains due to expansion and contraction is even more important than the location of the piping.

9. Although the Bureau's tests proved that the explosion at the New London school was attributable in no way to seepage of gas through the soil, its experience with other explosions indicates that gas may enter basements and other enclosed spaces that are partly underground. This possible hazard may be present especially where subsurface conditions permit gas to travel laterally through the soil along pipes that enter the buildings below the ground surface; in such instances all openings where pipes pass through walls and all places where gas may seep through the floor and walls should be sealed.

10. Central heating systems, with the heating plant isolated in a separate structure, have definite advantages with respect to protection against fire, explosion, and carbon monoxide. In general, the safety of a heating system, regardless of its location, depends upon tight, strain-free piping and other features of proper installation.

11. There is need for a State supervisory body to inspect structures and buildings in which the public assembles and which are outside the corporate limits of cities and towns that have municipal safety

inspection. Safety inspection by State or municipal agencies should extend not only to the construction of schools and other public buildings, but also to the plans and design, and should include structural as well as details of heating and ventilation.

12. In rural districts where school buildings are not subject to regular inspection, gas companies may be of great service in this campaign of safety through their knowledge of and familiarity with the hazards involved in the use of gas. They should make periodic inspections and offer constructive suggestions for the safe use of gas on the premises they serve. If these suggestions are not followed, gas service to the buildings should be stopped immediately until the proper corrections for safety are made. All fuel gases are highly explosive when mixed with air in certain definite proportions. As the possibilities of forming explosive mixtures are always present from the initial source of the gas to the point where it is used—care in the utilization of combustible gases is necessary in the interest of safety."

1. In addition to the foregoing conclusions and recommendations of the Bureau of Mines, your committee further recommends that bill be enacted setting up a State Plumbing Inspector within the State Board of Health patterned after the proposed bill sponsored and recommended by the Associated Master Plumbers of Texas, Inc., a copy of which is on file with your committee.

2. We further recommend that the present law requiring a malodorant to be placed in all natural gas systems be so amended so as to include the placing of such malodorant in all manufactured gases whether natural, butane, bottled or other types of industrial and domestic gases and that standard gas burning appliances be attached and installed to gas piping in all public buildings in the State of Texas, such as school buildings, churches, office buildings, store and mercantile buildings, theatres, hotels, cafes and all other buildings where persons frequently assemble or meet for business, religious worship, pleasure and other purposes.

3. In regard to recommendation No. 11 of the Bureau of Mines report which stresses the necessity of a

State supervisory body to inspect public buildings, your committee is of the opinion that said supervisory body could and should be composed of the following three officials: State Fire Marshal, Director of School Plant Division of the Department of Education and State Building Inspector for the Board of Control and that authority be delegated to such Board to promulgate rules and regulations not inconsistent with the laws of the State of Texas, to carry out the provisions of said Act and to prevent a recurrence of an explosion such as the New London school disaster.

On motion of Mr. Tennant, the reading of the report was dispensed with, and same was ordered printed in the Journal.

#### NAMING DON DOYLE PEVEHOUSE MASCOT OF THE HOUSE

Mr. Dickson offered the following resolution:

H. S. R. No. 90, Naming Don Doyle Pevehouse Mascot of the House.

Whereas, We have with us a proper person for office of Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Don Doyle Pevehouse, son of Hon. Doyle Pevehouse, of Corsicana, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have his picture made and placed in the official group of said body.

The resolution was read second time, and was adopted.

#### RECESS

On motion of Mr. Anderson, the House, at 10:45 o'clock a. m., took recess until 2:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

#### MESSAGE FROM THE SENATE

Austin, Texas, January 23, 1939.  
Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am requested by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 6, Instructing the State Board of Control to set aside certain area in Capitol grounds for parking space for Members of the Legislature.

S. B. No. 25, A bill to be entitled "An Act authorizing the refunding of Texas relief bonds, first series, prescribing the duties and authority of the Texas Bond Commission in connection with the calling and refunding of said bonds at a lower rate of interest, prescribing the terms and conditions for the issuance and payment of said refunding bonds, providing that Section 5 of Chapter 37, Acts of the First Called Session of the Forty-third Legislature, shall not apply to said refunding bonds, making an appropriation for the payment of principal and interest of said refunding bonds for the biennium, and declaring an emergency."

S. B. No. 72, A bill to be entitled "An Act providing an open season for hunting wild quail in Guadalupe County, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Alsup:

H. B. No. 4, A bill to be entitled "An Act authorizing the creation and operation of mutual assessment life insurance associations and mutual assessment health and accident insurance associations, both statewide and local; regulating the policy forms and contents; payment of benefits; contest of claims by associations; requiring quarterly reports of claims contested where contested claims exceed ten (10%) per cent of claims presented for such quarter; authorizing the levy of assessments and regulating uses of certain assess-

ments; providing procedure for liquidation of insolvent associations and forfeiture of charter thereof; authorizing State Department of Insurance to charge associations for services of liquidating agent; etc., and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Smith of Frio:

H. B. No. 5, A bill to be entitled "An Act amending Article 4100, Title 68, of the Revised Civil Statutes of the State of Texas; providing a maximum amount allowable as compensation to a garnishee; making this Act and amendment of said Article 4100 applicable to pending as well as future suits and proceedings, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Little:

H. B. No. 6, A bill to be entitled "An Act amending Article 835-C, Revised Civil Statutes of Texas, Acts, Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Burkett, Mr. Bradbury, Mr. Crossley, Mr. Chambers, Mr. Howington, Mr. Reader of Erath, Mr. Clark and Mr. Dean:

H. B. No. 7, A bill to be entitled "An Act providing relief for the Clyde Independent School District of Callahan County, Texas, in replacing equipment, building, and motor bus destroyed by a disastrous tornado on June 10, 1938; making an appropriation for said District to replace said building, equipment, and motor bus, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 8, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature,

Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; providing a merit rating for determining the amount of contributions by employers; fixing the duration of coverage; making provisions with reference to the administration of the Unemployment Compensation Fund; and with reference to the administration of the Unemployment Compensation Administration Fund; providing additional means for the enforcement of the collection of contributions; adding certain penalty provisions; defining certain additional terms; adding new sections to be known as Section 19-A and Section 19-B, which provide for the effective date of this Act and for the repeal of all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Smith of Matagorda, Mr. Hartzog, Mr. Heflin and Mr. Loggins:

H. B. No. 9, A bill to be entitled "An Act providing the method of making application to purchase or lease unsurveyed school land, commonly known as vacancies; providing for notice to those whose rights may be affected, and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries, and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas at a price dependent on whether or not such vacancy is excess land, and

providing that such purchase shall be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitutional such holding shall not affect the remainder hereof, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Hankamer, Mr. Anderson and Mr. Reader of Bexar:

H. B. No. 10, A bill to be entitled "An Act to amend Article 4504 of Chapter 6 of Title 71 of the Revised Civil Statutes of Texas and Article 740, Chapter 6 of Title 12 of the Penal Code of Texas, eliminating from said Articles the phrase 'and that no charge is made therefor, directly or indirectly', and inserting in lieu of said phrase the following 'and provided, further, that all those so ministering or offering to minister to the sick or suffering shall refrain from maintaining offices, except for the purposes of exercising the principles, tenets, or teachings of the Church of which they are bona fide members', and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Smith of Hopkins and Mr. Wells:

H. B. No. 11, A bill to be entitled "An Act appropriating the sum of One Million Ninety-five Thousand (\$1,095,000.00) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries, of high school tuition, and of transportation, and of vocational aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimburse-

ment which was not approved by payment at the end of the 1937-38 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Nine Hundred and Fifty-five Thousand (\$955,000.00) Dollars for salary aid, One Hundred and Five Thousand (\$105,000.00) Dollars for transportation, Thirty-five Thousand (\$35,000.00) Dollars for high school tuition, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hartzog:

H. B. No. 12, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years beginning with the taxable year 1937 all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said Assessor and Collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Leonard and Mr. Mays:

H. B. No. 13, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of the State of Texas passed by the Forty-first Legislature, Second Called Session, as



amended by Section 5 of Chapter 282, Acts of the Regular Session of the Forty-second Legislature, relating to the operation of commercial motor vehicles on the public highways; prescribing a formula and fixing the load limit which may lawfully be transported on motor vehicles and combinations thereof outside the limits of an incorporated city or town; authorizing the Highway Department to register such vehicles for weights within the limits of the prescribed formula; providing that all axles of vehicles transporting net loads in excess of seven thousand (7,000) pounds must be equipped with brakes; prohibiting the registration of unsafe vehicles; amending Section 13a, Acts of the Regular Session, Forty-second Legislature, Chapter 277, conferring upon the Railroad Commission of Texas the authority to adopt rules and regulations restricting, limiting, or prohibiting the transportation of hazardous or dangerous commodities, and to fix and limit the number and size of boxes, packages, barrels, bales or containers of any particular commodities which may be lawfully transported over the highways, and to prescribe the method of loading such boxes, packages, barrels, bales or containers of such commodities; to define and establish the kind and character of vehicle and the equipment thereof necessary for the safe transportation of dangerous or hazardous commodities, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Mays and Mr. Leonard:

H. B. No. 14, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5, of Chapter 282, Acts of the Regular Session of the Forty-second Legislature, relating to the operation of vehicles on the public highways; fixing the load limit which may be lawfully transported on commercial motor vehicles outside the limits of an incorporated city or town; also amending Section 13a, Acts of the Regular Session, Forty-second Legislature, Chapter 277, conferring upon the Railroad Commission of Texas the authority to approve or disapprove the nature

and character of equipment to be used by certain carriers and to regulate the amount and character of tonnage which may be transported on any motor vehicle, trailer or semi-trailer; declaring an emergency, and providing the Act shall take effect from and after its passage."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Alsup:

H. B. No. 15, A bill to be entitled "An Act creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; prescribing its rights, powers and duties; defining certain terms; providing for the administration of this Act, providing for payment of old age assistance; providing for assistance to needy blind persons, dependent and destitute children, and persons or families who are in dependent and needy circumstances; accepting for the State of Texas all of the provisions of the Federal Social Security Act, enacted by the Congress of the United States and approved March 14, 1935; transferring all the rights, powers and duties of the Division of Child Welfare of the State Board of Control to the State Department of Public Welfare, transferring all the rights, powers and duties of the Texas Relief Commission to the State Department of Public Welfare and abolishing the Texas Relief Commission; transferring all the rights, powers and duties of the Texas Old Age Assistance Commission to the State Department of Public Welfare, and abolishing the Texas Old Age Assistance Commission; providing for the transfer of the staff, records and physical properties of the Division of Child Welfare of the Board of Control, the Texas Relief Commission and the Texas Old Age Assistance Commission to the State Department of Public Welfare; designating the State Department of Public Welfare as the State agency to cooperate with the Federal Government in the administration of the provisions Title I, Title IV, Part 3 of Title V, and Title X, of the Federal Social Security Act; designating the State Department of Public Welfare as the State agency to cooperate with the Children's Bureau of the United

States Department of Labor in certain matters; designating the State Department of Public Welfare as the State agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing for the transfer of certain funds to the credit of the State Department of Public Welfare; making appropriations; providing a saving clause; repealing House Bill No. 7, Chapter 435, Acts of the Regular Session of the Forty-fifth Legislature, and all others Acts, laws or parts thereof in conflict with this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Colquitt, Mr. Reed, Mr. Stinson, Mr. Blankenship, Mr. Segrist and Mr. McDaniel:

H. B. No. 16, A bill to be entitled "An Act providing that on and after the effective date of this Act, delinquent taxpayers shall be permitted to pay such taxes in partial payments, providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a twenty month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the County Attorney or District Attorney or Criminal District Attorney in counties where there is no County Attorney, against such delinquent taxpayers upon default in making such payments under this Act; providing that no payment shall be received by the Assessor and Collector of Taxes, which payments total less than One (\$1.00) Dollar, and further, that accounts which total less than Ten (\$10.00) Dollars will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor, providing for credit and apportionment of any amounts paid under this system less than an amount equal to one year's taxes, penalties and interest and the apportionment of such funds; providing that all of the funds received under the provisions of this Act shall immediately become the property of

the State of Texas, and the respective county involved, and that no refunds shall be allowed; providing that the Assessor and Collector of Taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred, and further, providing for the transfer of such partial payment account to the new owner; providing for the creation of a special account with the County Treasurer of the respective counties, in which funds collected under this system may be deposited until sufficient amount is collected to pay at least one year's taxes, at which time such amount shall be remitted by the County Treasurer to the Assessor and Collector of Taxes for proportionate distribution in the regular manner as provided by law for the distribution of other moneys, providing that the books, records and accounts maintained by the Assessor and Collector of Taxes for the purpose of carrying out the provisions of this Act shall be subject to examination by the State Comptroller of Public Accounts and also by the County Auditor; providing for the manner by which said provisions would apply to cities, towns and independent school districts, or any political subdivision of the State; prescribing suitable forms, etc., to be used in carrying out the provisions of this Act; providing the provisions of this Act shall not affect any delinquent tax suits filed in courts of competent jurisdiction before the effective date of this Act, unless costs of court are fully paid; providing that if any clause, section, sentence, paragraph or part of this Act shall be held invalid, such invalidity shall not invalidate the remainder; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Boyer, Mr. Harp, Mr. Donaghey, Mr. Reader of Bexar, Mr. Wright, Mr. Russell, Mr. Wood, Mr. Kinard, Mr. Monkhouse and Mr. Smith of Matagorda:

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; pro-

viding certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of non-resident real estate dealers and salesmen and making certain requirements discretionary if non-resident is licensed under the laws of another State; making provision for requisition of information of applicant and vesting Real Estate Commission with power to make rules and regulations connected with application for a license; requiring issuance of license if certain conditions are satisfied and providing for issuance of temporary license under certain conditions and providing a pocket card for each licensee, prescribing its form and providing licensee shall maintain a definite place of business which may be his home and providing for display of dealer's and his salesman's license in dealer's place of business; providing that duplicate licenses shall be displayed in all branch offices and providing licensee can transact business from only one office unless notice given within ten (10) days of change of location; providing procedure for dealer and salesman to follow when salesman changes employer; providing that not more than one license can be issued to a salesman for the same period and providing for issuance of new license when salesman transfers and payment of transfer fee; providing for a hearing if applicant for a license is refused, providing for investigation of certain dealers and salesmen and giving Real Estate Commission power to revoke or refuse to renew license of any dealer or salesman guilty of certain acts and providing that revocation of

license or refusal to renew shall not relieve person or company from civil or criminal liability; providing for hearing before license suspended or revoked, authorizing certain procedure and making provision for appeal to the courts; providing no action can be maintained in courts to collect commissions for performing certain acts unless one proves he is licensed dealer or salesman, conferring on the Real Estate Commission or one duly authorized, the authority to require by subpoena the attendance of witnesses, taking of depositions, and the production of books, accounts, records, papers and correspondence relative to matters which the Real Estate Commission may investigate and conferring upon Real Estate Commission and one duly authorized the authority to issue subpoenas, administer oaths and affirmations, examine witnesses and receive evidence, and providing for the aid of the courts if necessary, providing for punishment for contempt and providing for fees of witnesses, other fees, costs and expenses; providing for the time and method of appeal to the courts by person aggrieved under this Act and proper procedure after such appeal; providing that certain fees are to be charged and collected by the Real Estate Commission; providing for expiration date of licenses granted; making provisions for the deposit of fees collected under terms of this Act; providing for the payment of salaries of employees and expenses of administration and for disbursement of funds collected under this Act; providing that certified copies of all instruments and documents filed in the office of the Real Estate Commission shall be admitted as evidence; providing that courts may require the production of original instruments and documents, and providing that in any proceedings based on the provisions of this Act, a certificate of the Real Estate Commission under the Seal of the State shall constitute prima facie evidence of compliance or non-compliance with the terms of this Act; making it unlawful to pay commission to one not licensed hereunder and providing salesman cannot accept compensation from one not licensed; providing that in the event any provision of this Act is declared void or unconstitutional that remaining provisions shall

remain in full force and effect, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Tennant, Mr. Thornton, Mr. Wood, Mr. Bradbury, Mr. Hankamer, Mr. Leonard, Mr. Talbert and Mr. Fielden:

H. B. No. 18, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1, Chapter 2 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Hartzog:

H. B. No. 19, A bill to be entitled "An Act levying an increased occupation tax on marble machines; providing for the collection and distribution thereof; appropriating to the State Comptroller of Public Accounts sufficient funds to administer the same; defining 'Marble Machines', 'Owners' and 'Exhibitor' thereof; making it unlawful for any owner or exhibitor of said machines to operate, display or exhibit such machines for operation without the tax thereon having first been paid and license obtained from the Comptroller; making it unlawful for the owner or exhibitor of such machines to knowingly permit, allow or consent to any person under the age of twenty-one (21) years to place a coin or token in said machines for the purpose of operating the same; making it unlawful for any person to place a slug, counterfeit coin or counterfeit token in said machines for the purpose of operating same; prescribing penalties for the violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Ragsdale, Mr. Tarwater, Mr. Fuchs, Mr. Brown of Cherokee, Mr. Bell, Mr. King, Mr. Lehman, Mr. Winfree, Mr. Bond, Mr. Smith of Matagorda, Mr. Fielden, Mr. Loggins, Mr. Kinard, Mr. Johnson of Ellis, Mr. Daniel and Mr. Wright:

H. B. No. 20, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act', reciting the

legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for the establishing of County Soil Conservation Advisory Committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of Soil Conservation Districts; providing the manner of selection of the Supervisors of said Soil Conservation Districts; defining the powers, duties, and compensation of said Supervisors acting for and through such Soil Conservation Districts; providing for the removal of Supervisors; providing that vacancies shall be filled by election of Supervisors; providing for a Board of Adjustment of three (3) members and fixing the method of appointment, the term of office, the duties and compensation of Board of Adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing that the State Treasurer shall act as the Treasurer for the State Soil Conservation Board; prescribing the duties of the State Treasurer with reference to funds of the Board; providing for a biennial audit and report to be made to the Governor of the State by Soil Conservation Districts; providing for an appropriation to be made for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein; providing method by which Soil Conservation Districts may be discontinued; repealing Senate Bill No. 227, Regular Session, Forty-fourth Legislature, page 504; providing that House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, and

House Bill No. 978, Regular Session, Forty-fourth Legislature, and Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing separability clause, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Morris, Mr. Allison, Mr. London, Mr. White, Mr. Skiles, Mr. Kern, Mr. Turner, Mr. Wells, Mr. Pevehouse, Mr. Kersey, Mr. Spencer, Mr. Lock, Mr. Bond, Mr. Coleman, Mr. Johnson of Tarrant, Mr. Derden, Mr. Hamilton, Mr. Piner, Mr. Dickison, Mr. Dowell, Mr. Cornett, Mr. Ragsdale, Mr. Loggins, Mr. Cockrell, Mr. Hale, Mr. Baker of Fort Bend, Mr. Burney, Mr. Olsen, Mr. McDonald, Mr. Kennedy, Mr. Stoll, Mr. Newell, Mr. Broadfoot, Mr. Harp, Mr. Clark, Mr. Roach, Mr. Davis of Upshur, Mr. Davis of Jasper, Mr. Holland and Mr. Howington:

H. B. No. 21, A bill to be entitled "An Act appropriating the sum of One Million One Hundred and Seventy-three Thousand Three Hundred and Eighty Four (\$1,173,384.00) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature; providing no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on a percentage basis to those schools having had payments made on a percentage basis, to make the grants of teachers' salaries, of high school tuition, and of transportation, and of Vocational Agriculture, Home Economics, Trade and Industries, each as nearly as possible one hundred percent; providing no school shall receive reimbursement which was not approved for payment at the end of the 1937-1938 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Twelve Thousand Five Hundred (\$12,500.00) Dollars to

the Division of Census for the purpose of checking and making transfers and census; setting aside the sum of Twenty-five Hundred (\$2500.00) Dollars to the Division of Equalization for the purpose of expediting the payments of those funds; providing for the payment of warrants issued for any of the above claims, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Thornton:

H. B. No. 22, A bill to be entitled "An Act amending the Uniform Narcotic Drug Act, same being Article 725b of the Penal Code of Texas, same also being Acts, 1937, Forty-fifth Legislature, page 333, Chapter 169, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Corry:

H. B. No. 23, A bill to be entitled "An Act to be known and cited as the Texas Farm Tenancy Act; to state the general purpose of this Act; to establish a code of working relationships between Texas tenant farmers and landlords; to encourage the development of more profitable farm practices; to provide protection of the rights of the tenant farmers, landlords and the State of Texas in the enterprise known as tenant farming; defining the terms set forth in said Act; providing for lease tenure and termination on rented farm land; compensating for improvements thereon; removal of fixtures and buildings therefrom; compensation for increased value thereof; and providing compensation for disturbance; providing for the production of subsistence food and feed products on tenant farms; providing compensation for deterioration; providing a means of arbitration to settle disagreements between tenant farmers and landlords; providing that this Act shall apply in all cases where applicable notwithstanding any agreement to the contrary; providing for the repeal of all laws and parts of laws in conflict herewith; providing if any section, sentence, clause or part of this Act is declared unconstitutional it shall not affect the remaining sections or parts of this Act; declaring that this Act shall not be retroactive; declaring date when this Act shall

become effective, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Petsch:

H. B. No. 24, A bill to be entitled "An Act making an appropriation of Twenty Thousand (\$20,000.00) Dollars to be used by the Attorney General of Texas for the purpose of paying expenses and costs in enforcing the laws of Texas against trusts, monopolies and restraints of trade, including the pending suit against various cement manufacturers; providing for the approval of vouchers against said appropriation, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Petsch:

H. B. No. 25, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish and maintain military training at said institution, and providing that said course of study may consist of various branches of the military service and authorizing the Board of Regents to enter into contracts with the War Department of the United States for the establishment of the Reserve Officers' Training Corp at the University of Texas under the National Defense Act, and declaring an emergency."

Referred to the Committee on Military Affairs.

By Mr. Petsch:

H. B. No. 26, A bill to be entitled "An Act amending Article 710, Code of Criminal Procedure, 1925, permitting the Defendant to testify and permitting comment upon the failure of the Defendant to exercise such privilege and repealing Article 711, Code of Criminal Procedure heretofore mentioned, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence."

By Mr. Petch:

H. B. No. 27, A bill to be entitled "An Act amending Chapter 44, Page 67, Acts of the Fortieth Legislature of the State of Texas, passed in 1927, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 28, A bill to be entitled "An Act amending Article 1839, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 29, A bill to be entitled "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 30, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, enacted in the year A. D. 1935, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Petsch:

H. B. No. 31, A bill to be entitled "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 32, A bill to be entitled "An Act amending Article 3669, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 33, A bill to be entitled "An Act repealing Article 3716 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 34, A bill to be entitled "An Act amending Article 3716 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 35, A bill to be entitled "An Act repealing Chapter 14 of Title 15, Penal Code of the State of Texas, as the same was adopted by the Legislature of Texas at its reg-

ular session, 1925, and substituting therefor a new definition of homicide by negligence, punishment therefor and procedure relating to trials, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 36, A bill to be entitled "An Act abolishing the right of appeal by means of a writ of error petition, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 37, A bill to be entitled "An Act to be known as Article 3a of the Penal Code of the State of Texas, defining the duties of District Judges sitting in trials of criminal cases in the matter of assessing punishments, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 38, A bill to be entitled "An Act amending Articles 1961 and 1962, Revised Civil Statutes of the State of Texas as enacted in 1925, so as to provide for the regular term of the County Court for probate business as opening on each Monday of each week during the year and repealing the authority of the Commissioners Court to establish terms of the Probate Court; repealing Article 1963, Revised Civil Statutes of Texas as enacted in 1925; and providing for the validation of all judgments rendered at other than regular terms of the Probate Court, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 39, A bill to be entitled "An Act to amend Article 1986 of the Revised Civil Statutes of Texas, 1925, so as to provide for the joinder of more than one plaintiff in one cause of action under the conditions set out in the terms of the Act, and providing for an emergency."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 40, A bill to be entitled "An Act to amend Article 4202 of

Chapter 8 of Title 69, of the Revised Civil Statutes of 1925, of the State of Texas, regulating the sales of real estate by guardians."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 41, A bill to be entitled "An Act amending Article 650 and repealing Article 651 of the Code of Criminal Procedure as adopted by the Fortieth Legislature in the year 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 42, A bill to be entitled "An Act to authorize and direct the Board of County and District Road Indebtedness and the Treasurer of the State of Texas to transfer Three Million (\$3,000,000.00) Dollars from the County and Road District Highway Fund to the State Highway Fund; to authorize and direct the Treasurer of the State of Texas to transfer certain warrants and evidences of indebtedness of the State of Texas from the Highway Fund to the credit of the County and Road District Highway Fund; providing that such warrants shall remain in full force and effect until paid, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Petsch:

H. B. No. 43, A bill to be entitled "An Act defining a Commercial Taxidermist, and providing a license for any person, firm or corporation operating as such; providing for disposition of moneys collected as license fees; permitting the sale of hides, antlers and hoofs of deer lawfully killed in this State to Commercial Taxidermists; providing for the keeping of records by licensed taxidermists; repealing all laws in conflict with this Act; providing a suitable penalty for violation of any provision of this Act; declaring an emergency and the effective date of this Act."

Referred to the Committee on Game and Fisheries.

By Mr. Petsch:

H. B. No. 44, A bill to be entitled "An Act providing for the payment of Old Age Assistance in accordance



with the Constitution of Texas, and providing for the classification and enrollment of applicants in accordance with their circumstances, and declaring the agencies through which this Act is to be administered; providing for the levy and collection of a general sales tax to raise revenues to pay Old Age Assistance; providing for the making of reports by taxpayers and prescribing rules and regulations for the computation and payment of the Old Age Assistance tax; providing the method of procedure against delinquent taxpayers and prescribing penalties for violation of the provisions of the Act; creating an Old Age Assistance Fund; repealing Articles I, II, and III of H. B. No. 8, Acts of the Forty-fourth Legislature, Third Called Session; amending Section 3, Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature as amended by H. B. No. 8, Third Called Session of said Forty-fourth Legislature; amending Article II, Section 5, Chapter 467, Acts of the Regular Session, Forty-fourth Legislature as amended by H. B. No. 8, Third Called Session of said Forty-fourth Legislature; amending Section 46, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended in H. B. No. 8, Third Called Session of the Forty-fourth Legislature; amending Section 6 of Article III, H. B. No. 8, Third Called Session of the Forty-fourth Legislature; allocating certain funds to the Old Age Assistance Fund, and certain funds to the Available School Fund and certain funds to the General Revenue Fund of the State, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Petsch:

H. B. No. 45, A bill to be entitled "An Act to amend Article 3810, Revised Civil Statutes as enacted by the Legislature in the Revision of 1925."

Referred to the Committee on Judiciary.

By Mr. Petsch:

H. B. No. 46, A bill to be entitled "An Act to repeal the right of sale under deeds of trust or by means of any form of procedure providing for the sale of any property other than by means of a foreclosure judgment in a court of competent jurisdiction, and making void all such sales by

virtue of contracts after the effective date of this Act."

Referred to the Committee on Judiciary.

By Mr. Reed:

H. B. No. 47, A bill to be entitled "An Act to amend Article 2462 Revised Civil Statutes of 1925 as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, providing for the lending of the capital, deposits and surplus funds of the Association and the deposit thereof; and amending Article 2477, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, as amended by Act of 1937, Forty-fifth Legislature, Regular Session, Chapter 117, page 217, Section 1, providing for reports to the Banking Commissioner, and the fees therefor, and providing for a penalty for failure to file such reports; and providing for certain exemptions from taxation, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Thornton:

H. B. No. 48, A bill to be entitled "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of Senate Bill No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new Sections to said Chapter, to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and pro-

viding for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative; providing that in involuntary liquidation the Banking Commissioner of Texas shall be receiver for associations to be liquidated; providing the procedure to be followed by the Banking Commissioner for such liquidation; authorizing the appointment of agents, attorneys, assistants and help in the liquidation of such associations; authorizing the Banking Commissioner to appoint as his agent the General Manager of the Federal Savings & Loan Insurance Corporation in the liquidation of insured associations; providing for the expense of such liquidation; providing for the bonding of officers and employees of building and loan associations by surety companies; providing that married women and minors may subscribe for shares and share accounts in building and loan associations organized in this State; or in Federal savings and loan associations domiciled in this State; providing that shares or share accounts so purchased by a married woman may be held, pledged, hypothecated, controlled, transferred and withdrawn by her, without the joinder of her husband in all respects as a feme sole; providing that minors may pledge, hypothecate, control, transfer and withdraw such investments as a person who has reached his majority; providing that any payment made by any such association to a married woman or a minor in connection with said shares or share accounts shall be valid and binding on all parties and that a receipt or acquittance signed by a married woman without the joinder of her husband or by a minor shall be a valid and sufficient release and discharge of any such association for any payment on shares or share accounts; providing that shares or share accounts issued by any building and loan association organized under the laws of this State, or by any Federal savings and loan association domiciled in this State, in the name of two or more persons, or to two or more persons, or the survivor of either, may be withdrawn on the signature of either party; that such account shall create one member-

ship, and the payment or delivery to either party of any rights thereunder, whether all parties are living or dead, shall be a valid and sufficient release and discharge of any such association for the payment or delivery so made; providing that administrators, executors, guardians, trustees, or fiduciaries, may acquire and hold shares and share accounts in building and loan associations organized under the laws of this State, or in any Federal savings and loan association domiciled in this State; providing that administrators, executors, guardians, trustees, or other fiduciaries may invest funds in their hands in the obligations of any Federal Home Loan Bank, or in the obligations of any Federal Savings and Loan Insurance Corporation; providing that any Texas corporation, including any insurance company, may invest its funds in the shares or share accounts of such building and loan associations; and that such investments shall be eligible for tax reducing purposes under Articles 7064 and 4769, Revised Civil Statutes of 1925, as amended; providing restrictions as to deposit accounts in building and loan associations; providing for articles of association, its name, purpose for which it is organized, its place of business, the amount of its capital stock, the names, occupations and addresses of its incorporators and directors, the term of its existence, and the number of directors of the association; providing for membership in building and loan associations; the liability of such members and definition of capital; providing for lien on accounts and providing for the voting power of shares or share accounts and the method of voting; providing for the payment of dues; making it unlawful to advertise a greater capital than actually exists; providing for the value of the participation in the capital of each share or share account; providing that associations may have a lien upon the account of any borrower, but may waive its lien in whole or in part; authorizing associations to accept shares or share accounts as security for a loan, such shares or share accounts belonging to other persons; providing that building and loan associations may issue different classes of shares and share accounts and completely describing and defining said different classes of shares and share accounts and rights.

thereunder; providing a method by which reserve funds or permanent stock may be retired in whole or in part, by any association having such reserve fund or permanent stock; providing that until September 1, 1943, building and loan associations may make ninety per cent (90%) loans where such loan is insured by the Federal Housing Administrator; authorizing building and loan associations eligible for insurance under the National Housing Act to do all things necessary to obtain, continue or terminate such insurance and ratifying and confirming actions heretofore taken by any such building and loan association in connection with such insurance; granting to Federal savings and loan associations organized under the provisions of the Home Owner's Loan Act of 1933, as now or hereafter amended, and the holders of shares or share accounts issued by any such association, all the rights, powers and privileges and exemptions now enjoyed by building and loan associations organized under the laws of this State or the share or share account holders of such domestic building and loan associations; providing that gross earnings of building and loan associations shall be ascertained semi-annually; providing for the payment of operating expenses and dividends; providing for a reserve fund; providing for loss and depreciation of securities; providing for the crediting of dividends to shareholders, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Keith and Mrs. Gordon:

H. B. No. 49, A bill to be entitled "An Act amending Articles 3704, 3705, 3706, 3707, 3709, 3711 and 3738 of the Revised Civil Statutes of 1925; providing for the issuance of subpoenas in civil cases; providing for the style and form of such subpoenas; providing that all witnesses so summoned shall be required to attend court in obedience thereto, and that failing to so attend, any such witness may be fined by the Court as for a contempt of court, and an attachment may issue against the body of such witness to compel attendance; providing that any witness refusing to give evidence may be committed to jail, there to remain without bail until such witness shall

consent to give evidence; providing for the taking of depositions of witnesses in civil suits, and that the failure to obtain the deposition of any witness, male or female, residing in the County in which the suit is pending, shall not be regarded as want of diligence where diligence has been used to secure the personal attendance of any such witness by the service of a subpoena or attachment, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Thornberry, Mr. Bell, Mr. Goodman, Mr. Allison, Mr. Hankamer and Mr. Kersey:

H. B. No. 50, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses, providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke or cancel licenses; providing for time, place and manner of holding hearings before the

Department of Public Safety; providing for the period of suspension by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining 'conviction' and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-residents and report convictions, and to suspend resident license upon conviction in another state; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; prohibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; and making it unlawful to commit certain other acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill 15, Chapter 466, Page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill 16, Chapter 369, Page 752, Regular Session, Forty-fifth Legislature; providing a saving clause, declaring an emergency and providing the Act shall take effect from and after its passage."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Mays and Mr. Alsup:

H. B. No. 51, A bill to be entitled "An Act amending Chapter 245, Acts of the Regular Session of the Forty-third Legislature, to provide additional regulation of State-wide Mutual

Assessment Insurance Companies; requiring the filing of rate schedules; requiring a deposit of cash or securities and providing how such deposit is to be used; providing the purposes for which claim funds may be used; providing how mortuary funds may be invested; limiting the benefits that may be promised; providing that all companies now operating under said Act shall be subject to these provisions; and that the rates of assessments or premiums collected on existing policies shall be made to conform to the provisions of this Act; requiring that such companies shall collect sufficient assessments or premiums to enable them to pay their claims in accordance with policy provisions; providing for the merger or dissolution of groups or companies not meeting the requirements of this Act; giving the Board of Insurance Commissioners authority to prescribe reasonable rules and regulations to carry out the provisions of this Act; providing that no companies or groups may be merged except with the approval of the Board of Insurance Commissioners; defining insolvency; prescribing the method of dealing with insolvent or unlawfully operated companies, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Pope:

H. B. No. 52, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Third Called Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Corpus Christi in the construction of a sea wall or breakwater so as to protect said city from calamitous overflow, by donating to said city all the State ad valorem taxes, collected on property and from persons in Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval Counties and by donating to said city all the State ad valorem taxes, collected on property and from persons in Nueces County not heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of Texas, known as House Bill No. 694 for a period of twenty-five years, and to provide a penalty for their misapplication', by extending the provisions of said Act for a period of eight (8) years from

September 1, 1946, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Pope:

H. B. No. 53, A bill to be entitled "An Act repealing Sec. 3 of Art. 6474, Chapter XI, Revised Civil Statutes of the State of Texas, adopted at Regular Session of the Twenty-ninth Legislature, 1925, reading as follows: 'If any railroad company shall charge or receive any greater compensation in the aggregate for the transporting of like kind of property or passengers, for the shorter line than for a longer distance, over the same line; provided that upon application to the Commission any railroad may in special cases to prevent manifest injury, be authorized by the Commission to charge less for a longer than for a shorter distance for transporting persons and property and the Commission shall from time to time prescribe the extent to which such designated railroad may be relieved from the operation of this provision, no injustice shall be imposed upon any citizen at intermediate points. Nothing herein shall be so construed as to prevent the Commission from making what is known as 'group rates' on any line or lines of railroads in this State'; repealing all law in conflict herewith, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Pope:

H. B. No. 54, A bill to be entitled "An Act to add a new clause to Sec. 19 of Chapter 482, Acts of the 44th Legislature, Third Called Session, as amended by Acts of 1937, defining agricultural labor, repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Pope:

H. B. No. 55, A bill to be entitled "An Act requiring the Railroad Commission of Texas to prescribe rules and regulations governing the issuance of tickets and bills of lading by intrastate motor bus and truck carriers for transportation of passengers and property for hire; defining intrastate operators; preventing

the use of bills of lading and passenger tickets by intrastate operators which have been issued by those engaged in intrastate and foreign commerce; providing penalties for the violation of the provisions of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Common Carriers.

By Mr. Pope:

H. B. No. 56, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being H. B. No. 847, passed by the Forty-second Legislature of the State of Texas as appears from page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Pope:

H. B. No. 57, A bill to be entitled "An Act granting permission to Victor Alexander Surber to bring suit against the State of Texas and/or Highway Department in a court of competent jurisdiction, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas, and which injuries are alleged to have produced damages to the said Victor Alexander Surber; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Spencer:

H. B. No. 58, A bill to be entitled "An Act authorizing, empowering, and directing the Board of County and District Road Indebtedness created by Chapter 13, Articles 6674Q-1 et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of Sixty Thousand, Six Hundred and Sixty-nine Dollars and Fifty-six Cents

(\$60,669.56) and to increase the State Aid effective as of January 1, 1933, to Henderson County, Texas, to make payment of such allowance; providing that the Board shall be presented sufficient and positive evidence that the Commissioners Court or any authorized agent of Henderson County did not authorize, request or instruct anyone to request the Highway Department of the State of Texas to defer collection of the said county warrant issued to the Highway Department on November 18, 1930, and providing that the law of agency shall control; providing that the Commissioners Court of Henderson County shall first furnish sufficient and positive evidence that no commission or fee or attorney fees have been paid or will be paid by said county to any person in connection with this claim before the County shall be entitled to the relief in this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Brown of Nacogdoches:

H. B. No. 59, A bill to be entitled "An Act to amend Article 2075 forbidding the collection of a stenographer fee where the service is not rendered."

Referred to the Committee on Judiciary.

By Mr. Brown of Nacogdoches:

H. B. No. 60, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty thousand, two hundred eighty-five (30,285) and not more than thirty thousand, two hundred ninety-one (30,291) according to the last Federal Census; providing the amount of compensation; providing for payment of such compensation out of the State and County Available School Fund; providing that this Act shall be cumulative of all existing laws on this subject but further providing that this Act shall apply where in conflict therewith, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Brown of Nacogdoches:

H. B. No. 61, A bill to be entitled "An Act amending Article 4604C of

the Revised Texas Statutes requiring a medical certificate from the woman before a marriage license can be issued."

Referred to the Committee on Public Health.

By Mr. Brown of Nacogdoches:

H. B. No. 62, A bill to be entitled "An Act to amend Article 3933 of the Revised Civil Statutes of the State of Texas so as to leave out the collection of jury fee of fifty (50) cents wherein no services are rendered."

Referred to the Committee on Judiciary.

By Mr. Brown of Nacogdoches:

H. B. No. 63, A bill to be entitled "An Act to amend Articles 3152 and 3153 of the Revised Statutes of the State of Texas so as to expedite the legal procedure in handling an election contest case."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Russell:

H. B. No. 64, A bill to be entitled "An Act amending Article 548, Revised Code of Criminal Procedure of Texas, 1925, governing the procedure to be followed by the Trial Judge when the adverse party has filed a denial in writing to any material fact set up in a motion for continuance; providing that the Trial Judge shall hear evidence thereon and deny or grant the motion as he finds the law and facts to be; providing further that the action of the Trial Judge thereon shall be final unless it shall clearly appear from all the evidence in the case that he has abused his discretion and that a trial substantially more favorable to the accused would likely have resulted had the absent testimony been given, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Russell:

H. B. No. 65, A bill to be entitled "An Act amending Article 745, Revised Code of Criminal Procedure, of Texas, 1925, governing the taking of depositions without interrogatories in criminal cases; providing for the taking of same by a District Judge, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Russell:

H. B. No. 66, A bill to be entitled "An Act amending Article 735, Revised Code of Criminal Procedure of Texas, 1925, governing the taking of depositions in criminal cases; providing for the taking of depositions of aged, infirm, non-resident, sick or otherwise physically incapacitated witnesses in criminal cases, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Russell:

H. B. No. 67, A bill to be entitled "An Act amending Article 543, Revised Code of Criminal Procedure of Texas, 1925, governing the application for continuance on account of absence of witnesses by defendants in criminal cases; providing for the necessary allegations in the first application of the defendant for a continuance; providing that the State of Texas may, under certain circumstances, defeat an application by the defendant for a continuance by admitting that the witness or witnesses, if present in Court, would testify as alleged in the application for a continuance, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Russell:

H. B. No. 68, A bill to be entitled "An Act amending Article 547, Revised Code of Criminal Procedure of Texas, 1925, governing the right of either party to controvert an application for a continuance; providing that the adverse party may controvert an application for a continuance upon any ground, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Baker of Fort Bend:

H. B. No. 69, A bill to be entitled "An Act amending Chapter 245, Acts of the Regular Session of the Forty-third Legislature, to provide additional regulation of State-wide Mutual Assessment Insurance Companies; requiring the filing of rate schedules; requiring a deposit of cash or securities and providing how such deposit is to be used; providing the purposes for which claim funds may be used; providing how mortuary funds may be

invested; limiting the benefits that may be promised; providing that all companies not operating under said Act shall be subject to these provisions; and that the rates of assessments or premiums collected on existing policies shall be made to conform to the provisions of this Act; requiring that such companies shall collect sufficient assessments or premiums to enable them to pay their claims in accordance with policy provisions; providing for the merger or dissolution of groups or companies not meeting the requirements of this Act; giving the Board of Insurance Commissioners authority to prescribe reasonable rules and regulations to carry out the provisions of this Act; providing that no companies or groups may be merged except with the approval of the Board of Insurance Commissioners; defining insolvency; prescribing the method of dealing with insolvent or unlawfully operated companies, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Lock:

H. B. No. 70, A bill to be entitled "An Act amending Chapter 33, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, approved March 16, 1935; providing that the Texas Planning Board, created by said Act, shall hereafter be known as the 'State Planning and Industrial Development Commission;' providing that the Commission shall prepare and perfect a long term plan or program for the progressive development of the State, and to revise same from time to time, to accord with changed conditions; that it shall give due consideration to the proper conservation of the natural resources of the State, the most suitable uses therefor, and to the betterment of the social and economic condition of its people and industries; and providing that it shall make inquiries and surveys concerning the physical, social and economic resources and needs of the State; and to the problems of agriculture, industry, and population, and formulate plans and recommendations as to the development, utilization and preservation of the State's resources, which will be helpful to agriculture, labor, mining, manufacturing, industry, the transportation of persons and goods, the conservation of



forests, soil, waters, minerals, game, and all other resources of the State, and for the adequate provision for the future population of the State; providing that it shall promote the civic, industrial, and commercial interest of the State, and particularly, to attract new industries to the State, and make surveys of industrial opportunities and needs within the State, and formulate a program as a basis upon which may be predicated a sound State policy for promoting new industrial enterprises in the State; that it shall prepare a program of State and national advertising of the civic, industrial and commercial opportunities, plans and recommendations herein provided; and that it shall cooperate with the Governor and Legislature by furnishing such information and research service as they may request; that it shall cooperate with the various State Departments and agencies with a view towards coordination of all development plans related to State activities; that it shall assemble, prepare, and maintain an up-to-date file of base maps of the State; providing that the Commission shall cooperate with county and municipal agencies for the purpose of assisting county and municipal planning and zoning, and with public and private agencies within this State, or adjoining States, and with the National Resources Committee, and other Federal agencies on matters concerning the welfare of this State; providing that it shall make and file with the Governor and the Legislature, at the end of each biennium, a report of all activities of the Commission; providing that any plans or programs adopted by this Commission, when approved by the Governor, shall be recognized as the 'Official State' plans or programs; providing that the Commission may have the services of all other officers, departments and agencies of the State Government and employees of institutions of higher learning, and making it the duty of such to render these services when so requested; providing that the Commission shall consist of nine (9) members, who shall serve without compensation, three (3) of whom shall be the State Highway Engineer, the Chairman of the Board of Water Engineers and the Secretary of State, respectively, of the State of Texas, and six (6) of whom shall be appointed by the Governor,

one (1) of whom shall be experienced in agriculture, one (1) to represent labor, one (1) familiar with forestry, and one (1) familiar with the industrial problems of the State; providing that any State Officer is eligible for membership on said Commission; providing that any ex-officio member of the Commission may designate in writing a representative from personnel of his department to serve in his place at any meeting or in relation to any activity of the Commission; providing that the present members of The Texas Planning Board shall serve as members of the Commission until the expiration of their respective terms, unless sooner removed as required by law; providing for the appointment, term and qualification of the members of the Commission; for the officers of the Commission and their terms of office; providing for the establishment, government and procedures of the Commission; providing for the meetings of the Commission and the place of meetings; defining a quorum and the term 'Commission'; requiring the adoption of rules and regulations for the transaction of business; the keeping of the records of its proceedings; the appointment of employees; and for the acceptance of funds which may be made available for use by the Commission; providing for the payment of the actual expenses incurred by the Commission in the discharge of official duties; requiring the Commission and each member to file a sworn itemized statement of their expenditures with the Governor and the Legislature each biennium; making an appropriation; providing a saving clause and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Dickison, Mr. Reader of Bexar and Mr. Felty:

H. B. No. 71, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal census or any future Federal census; providing for its enforcement; pro-

viding for partial invalidity; repealing all the portions of laws, charter provisions and ordinances in conflict therewith; defining a local political party, and declaring an emergency."

Referred to the Committee on Privileges, Suffrages and Elections.

By Mr. Hull:

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas;' providing that said Motor Carrier Act shall not apply to a private carrier, as herein defined, except as specifically provided by this Act; defining a private carrier and stating the qualifications necessary to qualify as such; defining a fixed and established place of business; defining the term 'person;' defining the term 'Commission;' providing for certain exemptions from the terms of this Act; providing that the use of the highways by private carriers, as herein defined, shall not be regarded as the use of such highways for transporting property for compensation or hire; making it unlawful for a private carrier to operate without a permit, and that no such permit shall be issued until the applicant shall have in all things complied with the requirements of this Act; providing for a written application and the information to be contained therein; providing that it shall be the duty of the Railroad Commission to issue permits to private carriers in compliance with the terms of this Act and the rules and regulations of the Railroad Commission; giving the Railroad Commission authority to reject the application, if not in compliance with said Act and its rules and regulations; providing for the payment of a filing fee and making it unnecessary for a private carrier to have more than one permit; providing for the placing in service of additional motor vehicles by private carriers and the payment of a fee to the Railroad Commission for the plates to be attached to such vehicles; giving the Railroad Commission authority to prescribe identification card which must be displayed within the cab of each motor vehicle operated by a private carrier;

making it unlawful for a private carrier to operate vehicle unless there is displayed thereon identification plates issued by the Railroad Commission and making it the duty of the Railroad Commission to furnish such plates at a fee of Two Dollars for each pair; providing that it shall be necessary for private carriers to furnish insurance and bonds for the protection of the public; providing that each driver of a motor vehicle operated by a private carrier shall have a Chauffeur's License issued by the Department of Public Safety; and providing that such Chauffeur's License may be cancelled for cause after notice and hearing and that it shall be the duty of the Railroad Commission to cancel the private carrier's permit when notified that such vehicles are being operated by a driver without a Chauffeur's License; providing for the number of hours that a driver may lawfully drive or operate a vehicle; declaring that it is the intent of the Legislature that the use of the highways by the private carriers, herein defined, is not a use for hire, but is declared to be the use of the highways by the general public; requiring that interstate carriers comply with the terms of this Act; providing that the funds paid to the Commission under the terms of this Act shall be deposited in the State Treasury and credited to the Motor Carrier Fund of the Railroad Commission; giving the Railroad Commission the authority to appoint certain employees and fixing the compensation therefor; providing that the provisions of this Act shall not apply to the State or any political subdivision thereof; providing for the cancellation of a private carrier's permit by the Railroad Commission; providing for filing complaints, issuance of notices and hearings upon such complaints by the Railroad Commission; giving Railroad Commission authority to make rules and regulations for the enforcement of this Act; making it unlawful for a person to own more than one kind of permit or certificate at the same time; providing that private carrier's permit shall be transferable; vesting in the inspectors of the Motor Transportation Division of the Railroad Commission and the License and Weight Inspectors of the Department of Public Safety exclusive authority to make arrests for the

violation of the penal provisions of the laws of this State regulating private carriers and carriers for hire; making it unlawful and providing a penalty for the operation of vehicles by private carriers without a private carrier's permit; making it unlawful and providing a penalty for the violation of any provision of the Act or the violation of any order, decision, rule or regulation of the Railroad Commission, and providing an additional civil penalty for such violations and placing the venue for the recovery of such civil penalties in any court of competent jurisdiction in Travis County, Texas, or in the county in which the violation occurs; and providing that district courts of this State shall have jurisdiction to issue injunctions to prevent violation of this Act or of the rules and regulations of the Railroad Commission; making it unlawful for a private carrier to engage in the business of transporting the property of others for compensation or hire or the transportation of property without such carrier having a fixed or established place of business, or the transportation of property by a private carrier of goods of which he is not the owner shall be guilty of a misdemeanor and upon conviction assessed a fine not to exceed Two Hundred (\$200) Dollars; a savings clause; declaration of legislative intent, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Lock:

H. B. No. 73, A bill to be entitled "An Act to promote and make practical the conservation and timely utilization of the natural resources of the State and to promote the civic, agricultural, forestry, industrial, and all other commercial industries and the general welfare of the citizens of this State, by creating a governmental agency to be known as the State Planning and Industrial Development Commission; providing that the Commission shall consist of nine (9) members, three (3) of who shall be the State Highway Engineer, the Chairman of the Board of Water Engineers, and the Secretary of State, respectively, of the State of Texas; and six (6) of who shall be appointed by the Governor, one (1) of who shall be experienced in agriculture, one (1) to represent labor, one

(1) familiar with forestry, and one (1) familiar with industrial problems of the State; providing for the establishment, government, and procedures of the Commission; providing for the qualification of the members of the Commission, for the officers of the Commission and their terms of office; prescribing the rights, powers, functions, and duties of the Commission; providing for the meetings of the Commission and the place of meetings; defining the term commission; requiring the adoption of rules and regulations for the transaction of business; and the keeping of the records of its proceedings; the appointment of employees; and for contracting for technical services, and the acceptance of funds which may be available for the use of the Commission; providing for the payment of actual expenses incurred by members of the Commission in the discharge of official duties; requiring the Commission and each member to file a sworn itemized statement of their expenditures with the Legislature and the Governor each biennium; declaring a legislative policy and intent; making an appropriation; providing a saving clause, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Stinson, Mr. Keith, Mr. Langdon, Mr. Petsch, Mr. Daniel, Mr. Hankamer, Mr. Isaacks, Mr. McAlister, Mr. Bradford, Mr. Hardeman, Mr. Thornberry, Mr. Corry, Mr. Faulkner, Mr. Reed, Mr. Blankenship, Mr. Segrist, Mr. McDaniel, Mr. Johnson of Tarrant, Mr. Thornton, Mr. Howard, Mr. Hull, and Mr. Leonard:

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the judicial department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment

proceedings; providing for repeal of all laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Isaacks:

H. B. No. 75, A bill to be entitled "An Act to amend Articles 3152 and 3153, Title 50, Chapter 13 of the Revised Statutes of Texas, 1925, as amended by the Acts of 1931, Forty-second Legislature, Page 395, Chapter 241, paragraphs 1 and 2, providing for a review by the District Court of primary election contests upon allegations of fraud and illegality in the nomination of state, district, county, precinct, and municipal officers, and prescribing the procedure in such review, or contest, and making the judgment of the District Court in such cases final as to all district, county, precinct, or municipal offices, and providing appeal to the Court of Civil Appeals in all contests for state offices, and for the advancement of such cases on the docket of the appellate court, and giving precedence thereto; and to amend Article 1735a, Vernon's Civil Statutes, being Chapter 4, Acts of the Fourth Called Session, Forty-first Legislature, providing that the jurisdiction of the Courts of Civil Appeals and the Supreme Court to issue writs of mandamus and other mandatory, compulsory writs be limited to the chairman and members of the State Executive Committee of political parties."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Weldon:

H. B. No. 76, A bill to be entitled "An Act to repeal all of Title 95, Revised Civil Statutes, 1925, constituting Articles 5892 to 5920, inclusive; to repeal Chapter 8, Criminal Code, 1925, Articles 1594 to 1612, inclusive; providing for ingress and egress of persons employed; providing for escapement shafts; providing a penalty for mine operators for violation; providing for methods for safety installation of shafts, cages and passways; providing for props and timbers in mine shafts; providing for the blocking off of abandoned portions of operated mines; providing for proper ventilation; providing for cut-throughs for ventilation; providing against fire damps; providing

for the speed mining cages to be operated; providing for devices to lock landing platforms; providing for regulations for the handling of powder; providing for safety lamps; providing against any workman injuring safety or mining equipment; providing for the posting of mining rules; providing for weighing scales and weighman; providing for the kind of oil that shall be used for lighting purposes; providing for the insulation of live wires; providing for the maintenance of a map of the mine; providing for the length of time animals may be kept in a mine with certain exceptions; providing for bathing facilities; placing the enforcement of this Act under the Commissioner of the Bureau of Labor Statistics; providing for the appointment of a Mining Inspector, making an appropriation; providing for monthly reports to be made to the Commissioner of the Bureau of Labor Statistics; providing for a penalty; providing for unconstitutional sections of the Act; providing for the repeal of conflicting laws, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Leyendecker:

H. B. No. 77, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than forty thousand (40,000) inhabitants and not more than fifty thousand (50,000) inhabitants, and containing a city of not less than thirty thousand (30,000) inhabitants nor more than forty thousand (40,000) inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Five (5) Cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such counties and their county seats, and providing for an election authorizing such tax; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties, and their county seats, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Hankamer and Mr. Bridgers:

H. B. No. 78, A bill to be entitled "An Act making it unlawful for any person, firm, copartnership, corporation, association or other organization or any combination thereof to engage in business or act in the capacity of a contractor, individually or jointly with others without having obtained a license as provided by this Act, and providing that such Act shall not apply to representatives of the United States Government, the State of Texas or municipal or political corporations of the State of Texas, officers of courts acting within the scope of their office, certain public utilities, owners of property not intended for sale, sellers or installers of material not actually fabricated into a permanent part of a structure, work on personal property, any construction, alteration or improvement on any reservation of the Federal Government, work where the aggregate contract price is less than One Hundred (\$100.00) Dollars, any construction incidental to irrigation and drainage ditches, reclamation districts or farming, dairying, agriculture, viticulture, horticulture, stock or poultry raising, or work upon land in rural districts for fire prevention purposes, except when performed by a licensee under this Act, defining the word 'contractors' and classifying and defining contractors into general engineering contractors, general building contractors and specialty contractors, and authorizing the Registrar of Contractors, with approval of this Contractors' State License Board, to adopt rules and regulations to effect classification of contractors in accordance with the definition of the branches of the contracting business and establish usage in the construction business, creating the Contractors' State License Board, composed of seven (7) members, six (6) of whom shall be appointed by the Governor and the seventh shall be the Commissioner of Labor Statistics, providing for their qualifications and terms of office and for the organization meetings and for other meetings of and the powers and duties of the Contractors' State License Board and designating the Commissioner of Labor Statistics as Registrar of Contractors, and giving him authority to appoint a Deputy Regis-

trar and other assistants and subordinates as may be necessary, and with the approval of the Board to fix the compensation to be paid to such assistants and subordinates, and providing for the application for a license under rules and regulations which may be adopted by the Contractors' State License Board and for the qualifications of any applicant for a license and the initial payment for a license fee of Twenty-five (\$25.00) Dollars, and providing for the issuance of a license if applicant has necessary qualifications and for annual renewal fee of Ten (\$10.00) Dollars, and an annual renewal of the license, and providing that upon failure to pay the annual renewal fee the license shall be suspended and renewable only upon the payment of a fee of Five (\$5.00) Dollars in addition to the current renewal fee, and providing that the license issued shall be signed by the licensee, be non-transferable and be displayed in the licensee's main office or chief place of business and that a surviving member or members of a licensed copartnership, by reason of death, shall be entitled to continue in business under such license until the expiration date and that licensees shall report to the Registrar all changes of personnel, name, style or addresses and requiring the Registrar to maintain in the office of the Commissioner of Labor Statistics a record of all applications for and licenses issued and enumerating the acts or omissions for which a license may be temporarily suspended or permanently revoked and providing the procedure for a hearing to suspend or revoke a license and for an appeal to the District Court from the action of the Registrar of Contractors in refusing, suspending or revoking a license, and giving the Registrar of Contractors or any member of the Board power to administer oaths, certify to official acts and issue subpoenas for witnesses, and providing for the renewal of licenses suspended or revoked and making it a misdemeanor for any person to act in the capacity of a contractor within the meaning of this Act without a license, and that no person acting in the capacity of a contractor shall bring or maintain any suit in any court of this State for the collection of compensation for the performance of any act for

which a license is required without alleging and proving that such person was a duly licensed contractor at all times during the performance of such act or contract, defining the term 'person', allowing expenses and fixing compensation to members of the Board, making the State Treasurer custodian of the revenues derived under the provisions of this Act, which revenues shall be credited to the account of the Contractors' State License Board, making an appropriation for the funds collected during the fiscal year ending August 31, 1939, and each succeeding year thereafter, with the exception of ten (10%) per cent of said funds, which ten (10%) per cent is to be paid into the General Revenue Fund of the State of Texas, and providing that expenses of the Contractors' State License Board shall be paid out of the fund in the State Treasury to the credit of the Contractors' State License Board upon requisition signed by the Registrar and a warrant of the Comptroller, and making an appropriation of One Thousand (\$1,000.00) Dollars out of the General Revenue for organization expenses, and providing that if any portion of this Act is declared unconstitutional the decision shall not affect the validity of the remaining portions, and repealing all laws in conflict with this Act, and providing the Act shall be cited as the Contractors' State License Law, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hankamer and Mr. Bridgers:

H. B. No. 79, A bill to be entitled "An Act repealing Articles 671, 672 and 679 to 687, both inclusive, Revised Civil Statutes of the State of Texas, 1925, and creating a division of the Board of Control to be known as the Division of Inspection of Masonry, Public Buildings and Works, and creating the office of State Inspector of Masonry, Public Buildings and Works, fixing his salary and providing for his actual and necessary traveling expenses in the performance of his duties, prescribing his qualifications and defining his duties in connection with the inspection of material and workmanship of all buildings and other structures of the State of Texas and the inspec-

tion, prior to the adoption thereof, of plans and specifications for public buildings and structures and additions thereto to be constructed by contract or otherwise for the State of Texas, and with the consent of the Governor, reject any such plans or specifications, and providing that when the contract price is Twenty-five Thousand (\$25,000.00) Dollars or more, for the inspection of plans and specifications of proposed municipal buildings by the State Inspector of Masonry, Public Buildings and Works and aid the authorities in charge thereof in the construction and the superintendency over the construction of all such municipal buildings, structures and additions as may be erected by contract or otherwise by counties, cities, municipalities and other political subdivisions, and authorizing the appointment by the State Inspector of Masonry, Public Buildings and Works with consent of the Board of Control, of such assistants as may be necessary in the performance of his duties, fixing their salaries and allowing actual and necessary traveling expenses, and prescribing their qualifications, and providing for the payment of traveling expenses incurred under this Act when allowed and approved by the State Auditor and Efficiency Expert, and fixing an inspection charge of one (1%) per cent of the contract price or estimated cost of each municipal building, such sum to be paid into the State Treasury and used for the payment of the salary and expenses of the State Inspector of Masonry, Public Buildings and Works and his assistants, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Bridgers, Mr. Hankamer and Mr. Isaacks:

H. B. No. 80, A bill to be entitled "An Act to provide for and create a city-county health unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred twenty thousand (120,000) inhabitants and to provide that the Commissioners' Court of said county and the City Council of said city may cooperate in forming a city-county health unit and combine the health units of each

political subdivision for such purpose and appropriate funds to the combined health unit in such proportion as may be agreed to between the Commissioners' Court and the City Council; said health unit to be under the direction and supervision of the City-County Board of Health; and providing for the election and/or appointment of members of said city-county health unit; and providing for the qualifications of the members of the said city-county health unit; and for their terms of office; and providing for the operation of said city-county health unit and for funds for the operation thereof; providing that a Director shall be appointed to actively manage the operation of the health unit under the supervision of the City-County Board of Health; providing that the Commissioners' Court and the City Council shall determine the number of employees to constitute the health unit and the salaries of such employees."

Referred to the Committee on Public Health.

By Mr. Baker of Grayson and Mr. Keith:

H. B. No. 81, A bill to be entitled "An Act amending Title 11, Chapter 8, Article 667-2 prohibiting the sale of beer where public dancing is allowed, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Smith of Matagorda:

H. B. No. 82, A bill to be entitled "An Act to amend Article 6675a-3, Revised Civil Statutes, being Section 3 of Chapter 88 of the Acts of the Second Called Session of the Forty-first Legislature of the State of Texas, as amended by Acts of the Forty-third Legislature, 1934, Second Called Session, page 5, Chapter 3, Section 1, and by Acts of the Forty-fourth Legislature, 1935, page 129, Chapter 51, Section 1, so as to require applicants for registration of vehicles subject to registration by law to exhibit to the Tax Collector receipts for ad valorem State, county, city or town and/or school district taxes where such applicant resides in an incorporated city or town and/or school district, which became due on such vehicle during the preceding year, or in lieu thereof satisfy such Collector by affidavit that such vehicle was not subject to taxation

during the preceding year, making it unlawful for any Tax Collector to issue registration receipt or license plates, or for any applicant to receive the same contrary to the provisions of this Act, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Smith of Matagorda and Mr. Hartzog:

H. B. No. 83, A bill to be entitled "An Act providing for the enforced collection of delinquent taxes due to incorporated cities and towns and independent school districts, and providing for City Councils and Board of Trustees for independent school districts to enter into contracts for the collections of their delinquent taxes, paying therefor a percentage of the taxes collected, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Smith of Matagorda and Mr. Hartzog:

H. B. No. 84, A bill to be entitled "An Act so as to make it unlawful for any person to place, set, drag or use any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line or cast net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length for catching bait or have in his possession any seine, net or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the waters of Matagorda Bay east of the Colorado River, providing for the use of spear or gig and light for taking flounder in these waters, repealing all laws or parts of laws in conflict herewith; providing when this Act shall take effect; providing for confiscation of nets, seines and other tackle for evidence and providing for penalties, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Hull:

H. B. No. 85, A bill to be entitled "An Act making an appropriation to pay the apportionment to all counties in this State in which the officers are compensated on a salary basis as provided in Section 6, Subsection a,



Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session; making an appropriation to all such counties having a Criminal District Attorney or a County Attorney performing the duties of the District Attorney as provided in Section 13, Subsection b, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Bradbury:

H. B. No. 86, A bill to be entitled "An Act amending House Bill No. 8, page 2040, Chapter 495, Article 2, Section 3 and Section 13; and Article 4, Section 11, of the Third Called Session of the Forty-fourth Legislature, more fully defining persons entitled to old age assistance, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Bradbury:

H. B. No. 87, A bill to be entitled "An Act defining public utilities and providing for their regulation; creating the Public Service Department of Texas, and fixing the qualifications, duties, powers, and compensation of the members thereof; providing the jurisdiction of said Public Service Department and the manner in which such jurisdiction shall be exercised; providing the manner of conducting proceedings before said Public Service Department; providing the manner in which the said Public Service Department may pass orders and providing for appeals from the same to the courts of this State; providing penalties for the violation of this Act; raising revenues and making appropriations to support said Department; providing for the repeal of all laws and parts of laws in conflict herewith; providing that if any section, clause or other provision of this Act be held unconstitutional or otherwise invalid or unenforceable, such holding shall not affect the validity of the remaining portion of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Stinson, Mr. Harper, Mr. Wood and Mr. Leonard:

H. B. No. 88, A bill to be entitled "An Act to provide that no person

who is otherwise eligible to receive old age assistance shall be denied such assistance because such person has children or other relatives able to support him, or that he owns a home, or that he has insurance; and that net income, and not gross income, shall be the measure for determining need, if assistance is based upon need, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hankamer and Mr. Stinson:

H. B. No. 89, A bill to be entitled "An Act providing for declaratory judgments; specifying the situations to which the Act applies; providing for construction of contracts before breach; making the Act applicable to estates and fiduciary relationships; providing that enumerated powers shall not restrict general powers; vesting discretion in court in exercising powers conferred in this Act; providing for procedure and appeals, supplementary relief, jury trial of facts, and assessing costs; specifying parties who shall be affected; declaring the purpose of the Act, defining terms; providing for a short title, providing for severability of provisions, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Harper and Mr. Bradbury:

H. B. No. 90, A bill to be entitled "An Act to amend Articles 2203, 2204, 2205, 2206 of Chapter 8, Title 42, of the Revised Civil Statutes of Texas, 1925, relating to the form of verdicts of juries in Civil cases so as to provide that in the trial of civil cases nine (9) members of the jury concurring may render a verdict in the District Court; and five (5) jurors concurring may render a verdict in the County Court, County Court at Law, and Courts of Justices of the Peace, and providing for the polling juries and repealing of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Harp:

H. B. No. 91, A bill to be entitled "An Act amending House Bill No. 8, page 2040, Chapter 495, Article 2, Section 3, of the Third Called Ses-

sion of the Forty-fourth Legislature, more fully defining persons entitled to old age assistance, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Johnson of Tarrant, Mr. Hull, Mr. McAlister, Mr. Bradford and Mr. Reader of Erath:

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Hardin:

H. B. No. 93, A bill to be entitled "An Act providing that there shall hereafter be paid out of the revenue of this State, on the last day of each month, to each actual bona fide citizen of this State over the age of sixty-five (65) years the sum of Fifteen (\$15.00) Dollars per month as old age assistance; providing that no habitual criminal, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance; providing that the length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for old age assistance and continuously for one (1) year immediately preceding such application; providing that the officers charged with the administration of this Act shall receive from the Government of

the United States financial aid for old age assistance; and that they shall pay out such old age assistance persons in need as provided herein and all such funds shall be kept and disbursed separately. Providing that the County Commissioners' Courts of the respective counties and the State Comptroller shall administer this Act. Providing the method and procedure by which applicants may qualify for and obtain such old age assistance; defining the duties of the Commissioners' Court, and of the County Clerk and the Attorney General and the Comptroller in connection with the administration of this Act, giving the right of appeal; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. King:

H. B. No. 94, A bill to be entitled "An Act to amend Section 5, Article 827a, of the Penal Code (Acts of the Regular Session, Forty-second Legislature, Chapter 282, page 507), regulating the size of commercial motor vehicles and semi-trailers; fixing the load limit that may be transported on commercial vehicles and combinations of such vehicles outside the limits of an incorporated city or town; fixing the number of pounds per inch width of tire upon any wheel concentrated upon the surface of the highway; fixing the load limit to be transported upon truck-tractor and semi-trailer combinations under certain conditions, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Keith:

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Howard, Mr. Hankamer, Mr. Stinson and Mr. Thornton:

H. B. No. 96, A bill to be entitled "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer, Mr. Stinson and Mr. Smith of Frio:

H. B. No. 97, A bill to be entitled "An Act to amend Article 2199 of the Revised Statutes, by adding thereto provision for reading from the Court Reporter's notes; repealing conflicting law, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard and Mr. Hankamer:

H. B. No. 98, A bill to be entitled "An Act creating a State Bar, defining the powers thereof, constituting it an administrative agency of the Judicial Department of the State; prescribing the membership thereof, prohibiting non-members and persons suspended therefrom from practicing law, empowering the Supreme Court to adopt and promulgate rules and regulations for the conduct thereof, code of ethics governing the conduct of members and the practice of the law, establishing practice and procedure for disciplining, suspending, and disbarring attorneys at law, prescribing the fees to be paid by members, collection and disbursement thereof; providing for repeal of all laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard and Mr. Hankamer:

H. B. No. 99, A bill to be entitled "An Act to give further certainty to appellate jurisdiction by adding to Chapter 3 of Title 39 of the Revised Statutes, Article 1840b, providing for waiver and cure of objection as to the various notices and bonds required for its perfection, and for certiorari to complete the record; repealing conflicting law, except that this law shall apply in subsequently filed suits only, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 100, A bill to be entitled "An Act amending Chapter 8, Title 42 of the Revised Statutes of 1925, by adding an Article empowering the Judge to change venue on his own motion, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 101, A bill to be entitled "An Act to amend Article 2007 of the Revised Statutes relating to plea of privilege, by adding thereto a provision that such plea shall not be construed to embrace any of the matters set forth in Article 2010, Revised Statutes, unless specifically alleged in such plea; repealing conflicting law, except that this amendment shall apply in subsequently filed suits only, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard and Mr. Hankamer:

H. B. No. 102, A bill to be entitled "An Act adding to Subdivision 1, of Chapter 2 of Title 42 of the Revised Statutes an Article to be numbered 2002a, providing for waiver of defects, faults and omissions in pleading in certain cases; repealing conflicting law, except that this law shall apply in subsequently filed suits only, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 103, A bill to be entitled "An Act to amend Article 27 of Title 1 of the Revised Statutes of 1925, relating to the use of Seals and Scrolls and providing that hereafter the use of seals and scrolls shall be unnecessary in the case of individuals and of corporations, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer, Mr. Stinson and Mr. Smith of Frio:

H. B. No. 104, A bill to be entitled "An Act adding to subdivision 3 of Chapter 8 of Title 42 of the Revised Statutes an Article to be numbered 2182a, providing that a motion for

instructed verdict shall state the specific grounds therefor; repealing conflicting laws, except that this law shall apply in subsequently filed suits only, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer, Mr. Stinson and Mr. Smith of Frio:

H. B. No. 105, A bill to be entitled "An Act to preserve filed pleadings by making just and convenient regulations to such end, repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 106, A bill to be entitled "An Act to amend Article 1322, Title 32, Chapter 3, of the Revised Civil Statutes of 1925, providing how corporations may convey land, and dispensing with the use of a seal or scroll in conveying lands; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 107, A bill to be entitled "An Act amending Article 2237 of the Revised Statutes by dispensing with bills of exception to action on written motions, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 108, A bill to be entitled "An Act conferring and relinquishing to the Supreme Court full rule-making power in Civil Judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on and after January 1, 1940, providing that no substantive law or part thereof is thereby repealed; authorizing and empowering the Supreme Court by general order to continue such statutes in force as rules of the Court; investing the Supreme Court with full rule-making power and fixing the time for such to become effective, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer, Mr. Stinson and Mr. Smith of Frio:

H. B. No. 109, A bill to be entitled "An Act to amend Article 1856, Revised Civil Statutes of the State of Texas so as to confine reversals of errors to substance and merit, by adding thereto certain provisos to the effect that the Courts of Civil Appeals shall not reverse a judgment for errors not calculated to cause and which probably did not cause rendition of an improper judgment, or probably prevented appellant from making a proper presentation of the case on appeal; and authorizing reversal only of part of matter in controversy where severable from other parts; and authorizing the appellate court to require the trial court to correct errors in certain cases; and authorizing allowance of amendments to pleadings in appellate court where this may be done without detriment to substantial rights of parties; and authorizing appellate court to ascertain existence of an undisputed fact necessary to final disposition of the case and providing the procedure thereof; and providing that invalidity of a part of this Act shall not invalidate any other part; and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer and Mr. Stinson:

H. B. No. 110, A bill to be entitled "An Act to add to Title 76 of the Revised Statutes, as Article 4660a, an Article for the taxing of certain costs in favor of the party against whom a temporary injunction or restraining order is granted without notice and dissolved wholly or partly; repealing conflicting law, except that this law shall apply in subsequently filed suits only, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Howard, Mr. Hankamer, Mr. Stinson and Mr. Smith of Frio:

H. B. No. 111, A bill to be entitled "An Act adding to subdivision 1 of Chapter 2 of Title 42 of the Revised Statutes an Article to be numbered 2002b, for bidding reversal for variance or departure not specifically pointed out in stated manner in the trial court; repealing conflicting law, except that this law shall apply in

subsequently filed suits only, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Brown of Cherokee:

H. B. No. 112, A bill to be entitled "An Act providing for the establishment of the legal age of any person residing in Texas, whose age cannot otherwise be proved by order of the County Judge of the county of residence of such person; providing for filing of such application; providing for hearing and proof on such application; providing for order of said Judge establishing said legal age and the filing of the same with the County Clerk of said county, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Harrell of Lamar:

H. B. No. 113, A bill to be entitled "An Act providing that no person, firm, corporation or association of persons, who shall sell a motor vehicle by a contract of conditional sale retaining a vendor's lien thereon or who shall loan money on any such vehicle and retain a mortgage lien thereon shall foreclose such mortgagee's right of redemption only by delivering to the Sheriff of the County where the vehicle is located a copy of the sales contract or loan contract together with a sworn statement that the mortgagee has failed in his payments; providing that the Sheriff shall hold such vehicle 30 days and thereafter shall advertise such car to be sold at public auction for a certain period of time and shall at such sale sell such vehicle to the highest bidder; providing that the Sheriff shall retain Five (\$5.00) Dollars as his fee therefrom, the remainder shall satisfy the amount due the holder of the mortgage lien and if any remains shall pay the remainder to the mortgagee; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Harrell of Lamar:

H. B. No. 114, A bill to be entitled "An Act providing that every person operating a motor vehicle which is in any manner involved in an accident by collision in which any person, animal or other vehicle is injured or

damaged shall bring his motor vehicle to a full stop, return to the scene of the accident and give his name, residence, motor vehicle number and driver's license number to a police officer, providing that if no police officer is in the vicinity then such report shall be made at the nearest police station or to the nearest judicial officer, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Harrell of Lamar:

H. B. No. 115, A bill to be entitled "An Act declaring it unlawful for any prisoner charged or convicted of felony and confined in any jail or prison or public training school, reformatory, county hospital, industrial farm or road camp or engaged in any county road or other county work or in the lawful custody of any officer or person to escape or attempt to escape; declaring such unlawful conduct to be a felony and providing the punishment for conviction thereof, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harrell of Lamar:

H. B. No. 116, A bill to be entitled "An Act amending Article 1177, Penal Code of Texas, 1925, as amended by Chapter 12, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 17, Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harrell of Lamar:

H. B. No. 117, A bill to be entitled "An Act amending Article 7965 as amended by Chapter 44, Section 13, Acts of the Forty-third Legislature, as amended by Chapter 240, Section 12, Acts of the Forty-fourth Legislature, Regular Session, by providing that cities, towns and municipalities who purchase motor fuel for use in motor vehicles owned and controlled by such cities, towns and municipalities, and used exclusively in the service of same shall be entitled to refund of the gasoline tax paid by it on

such fuel; repealing all laws, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Harrell of Lamar:

H. B. No. 118, A bill to be entitled "An Act requiring registration of firearms in this State; defining certain terms; declaring a public policy; providing a penalty, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harrell of Lamar:

H. B. No. 119, A bill to be entitled "An Act amending Sections 7 and 10 of Article 2 of House Bill No. 8, Acts of the Forty-fourth Legislature, Third Called Session by providing that the County Judge in each County shall be the local administrative officer to carry out the provisions of the Old Age Assistance Law; prescribing the powers and duties of such officer; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Harrell of Bastrop, Mr. Harris, Mr. McMurry, Mr. Newell, Mr. Hartzog, Mr. Cornett, Mr. Wells, Mr. Piner and Mr. Galbreath:

H. B. No. 120, A bill to be entitled "An Act to amend Section 3 (b) of Article 1659, Chapter 6, Title 19, of the Penal Code of the State of Texas."

Referred to the Committee on Common Carriers.

By Mr. Harrell of Bastrop, Mr. Harris, Mr. McMurry, Mr. Newell, Mr. Cornett, Mr. Hartzog, Mr. Wells, Mr. Piner and Mr. Galbreath:

H. B. No. 121, A bill to be entitled "An Act to amend Sections 1 and 3 of Article 6417, Chapter 8, Title 112, of the Revised Civil Statutes of the State of Texas, 1925."

Referred to the Committee on Common Carriers.

By Mr. Brown of Cherokee:

H. B. No. 122, A bill to be entitled "An Act amending Articles 6243-5 and 6243-6, Title 109 of Vernon's Statutes, Centennial Edition, 1938 Supplement, Acts of the Forty-fourth Legislature, Third Called Session, Page 2040, Chapter 495, Article 2, Sections 3

and 4; defining the qualifications for assistance from the Texas Old Age Assistance Commission; prohibiting said Commission from taking into consideration the ability of the children, or other relatives, other than husband or wife, to assist in supporting applicants for assistance from said Commission, or making inquiry relative thereto, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Monkhouse:

H. B. No. 123, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than 6% per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Holland:

H. B. No. 124, A bill to be entitled "An Act amending subdivision 23, Article 1995, Chapter 1, Title 42, 1925 Revised Civil Statutes of the general venue statute, which subdivision heretofore has made exception to the general rule of venue so as to make it possible under given conditions to institute suits in counties other than the domicile of corporations and associations, but is here amended so as to include in the exception to the general rule copartnerships, of whatever nature, but without otherwise altering subdivision 23 of the said Article 1995, repealing all laws in conflict herewith, whether specially mentioned or not, fixing the venue against corporations, associations and copartnerships, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Cornett:

H. B. No. 125, A bill to be entitled "An Act to further the general welfare and governmental economy and to bring about increased efficiency in the service of all State departments, agencies and institutions of the State government by the establishment of a merit system of appointing employees; creating within the Executive Department a State Personnel Division; pro-

viding for a State Civil Service Commission; prescribing its powers and duties; providing for removal of Commissioners; providing for the appointment of a Personnel Director; and prescribing his qualifications; and his powers and duties; providing for the formulation of tests for applicants for positions; for their examination, appointment, promotion, demotion, transfer, removal, and reinstatement; providing that the Civil Service shall be divided into the unclassified and the classified service and designating the positions under each classification; providing for the establishment of employment and reemployment list; making certain exemptions; providing that the services and facilities of the State Personnel Division shall be available upon request, subject to rules prescribed therefor by the commission, to local governmental subdivisions of the State; providing for the enforcement and administration of this Act, and prescribing penalties and aid thereof; defining certain terms as used in the Act; providing that the Act shall be severable; repealing all laws inconsistent with this Act; making an appropriation, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Galbreath:

H. B. No. 126, A bill to be entitled "An Act amending Article 7204 of the Vernon's Texas Statutes, Centennial Edition, by adding another paragraph at the close of the said article, to be numbered 43, providing for a penalty for failure to give proper inventory of property, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Faulkner:

H. B. No. 127, A bill to be entitled "An Act providing for and levying a tax of one cent on each twelve ounce sale, or fractional portion thereof, by retail within this State of beer, ale, or malt liquor, regardless of the form of such sale, whether same is sold by the bottle, can, glass, keg, drink, or otherwise; providing that the collection of such taxes shall be under the supervision of and administered and enforced by the State Liquor Control Board; giving said Board all of the power it now has under existing laws by Title 11, Chapter 6 of Vernon's An-

notated Statutes of Texas, Acts of 1935, of the Forty-fourth Legislature, Second Called Session, page 1795, Chapter 467, and all amendments thereto; providing for an appropriation for enforcement; that said taxes shall be paid into the State Treasury of Texas, three-fourths of same to be credited to the Old Age Assistance Fund and one-fourth to the Public School Fund; repealing all laws in conflict herewith; providing that convictions may be had on accomplice testimony; providing that the invalidity of any part of said law shall not affect the remainder; providing for a penalty, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. McAlister and Mr. Johnson of Tarrant:

H. B. No. 128, A bill to be entitled "An Act amending Articles 650, 654, 710 and 711 of the Code of Criminal Procedure of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in the year 1925; amending Articles 81 and 82 of the Penal Code of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in 1925; providing that where two or more persons are charged, either as principals, accomplices or accessories, with the same offense or offenses, or with any offense or offenses which grow out of or are based upon the same transaction or undertaking, whether such persons are charged jointly or by separate indictments, information or complaints, any two or more such defendants may be tried jointly, before one jury, and at one and the same time, for such offense or offenses; further providing that where there are two or more persons jointly or severally charged or indicted for the same offense or offenses, or for an offense or offenses growing out of the same transaction or undertaking, the privilege of testifying for the defense shall be extended only to the person or persons on trial; further providing that an accessory may be tried and punished before the principal when the latter has escaped or is a fugitive, but if the principal is in custody or on bail, he shall be first tried or shall be tried jointly with the accessory, and if the principal is acquitted, the accessory shall be discharged; further providing that per-



sons charged as principals, accomplices or accessories, whether in the same or different indictments, cannot be introduced as witnesses for one another, except when such persons are being tried jointly; and repealing Articles 651, 652 and 653 of the Code of Criminal Procedure of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Mays:

H. B. No. 129, A bill to be entitled "An Act making it unlawful for any itinerant vendor to engage in such business without first paying occupation tax herein levied; defining the term 'itinerant vendor;' providing for the levying and grading of the occupation taxes herein levied and fixing the time for payment of same; defining violations of this Act and prescribing penalties therefor; fixing the duties of the Comptroller of Public Accounts with reference to the collection of such taxes; requiring sworn statements of each itinerant vendor affected by the terms of this Act to be filed with the Comptroller of Public Accounts; providing for the expenses of the Comptroller of Public Accounts in administering and enforcing this Act and making an appropriation therefor; providing for the allocation of funds collected under the provisions of this Act; providing if any Section, paragraph, sentence or clause of this Act shall be held invalid for any reason such holding shall not affect the remaining portions hereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Mays:

H. B. No. 130, A bill to be entitled "An Act relating to occupation tax on the production of salt; providing for an occupation tax of one dollar a long ton on all salt produced within the State of Texas; providing for reports and records; imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; providing for the bringing of suits for the recovery of taxes, penalties and interest; providing for the allocation of the funds collected hereunder; defining certain

words used in this Act; providing that if any provision of this Act shall be declared invalid, such holding shall not affect the remaining portions hereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Kennedy and Mr. Talbert:

H. B. No. 131, A bill to be entitled "An Act providing that the County Commissioners Court of any county in this State may adopt the system of photographic recording of instruments required or permitted to be filed; providing that the necessary machinery, equipment and supplies may be purchased and a competent operator or operators to be employed, or that said photographic work may be done by contract, limiting the sum which can be paid to said contractor; providing that bond shall be made by the person, firm or corporation to whom said contract may be awarded; and providing for the receiving, delivering, and recording of said photographic instruments; providing that the photographic work must be done in the county."

Referred to the Committee on Counties.

By Mr. Alsup:

H. B. No. 132, A bill to be entitled "An Act making it unlawful for any attorney at law, attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to charge a fee for any services of any character or kind that he might render in behalf of a person or persons who might now or at any time hereafter be eligible for any Social Security Benefits as provided by the laws of Texas and/or the United States; declaring it to be unlawful for any such attorney at law, or attorney in fact, or any other person, firm, corporation, or association of persons whatsoever to advertise, hold himself out, or solicit fees in behalf of such efforts or services; prescribing penalty for violation of the provisions of this Act; making provisions for certain organizations; repealing all laws, or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Alsup:

H. B. No. 133, A bill to be entitled "An Act requiring any person hunting any quail outside of the county of his residence upon the private lands of another person in Panola County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws in conflict with any provision of this Act, in so far as they relate to Panola County."

Referred to the Committee on Game and Fisheries.

By Mr. Alsup:

H. B. No. 134, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Panola County for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Leonard:

H. B. No. 135, A bill to be entitled "An Act to authorize the State Highway Commission, acting through its Chairman pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as a right-of-way for State highways in any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to

any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress; and authorizing the State Highway Commission to join in and assent to easements executed by owners of the fee title to lands on which the State owns only an easement; validating any such conveyance heretofore made; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Brown of Nacogdoches:

H. B. No. 136, A bill to be entitled "An Act providing for the estimating and the collecting of the ad valorem tax on a motor vehicle at the same time of issuing a license for such vehicle."

Referred to the Committee on Revenue and Taxation.

By Mr. Brown of Nacogdoches:

H. B. No. 137, A bill to be entitled "An Act providing law enforcement relief to localities and counties in which law enforcement is unsatisfactory and providing means whereby qualified voters of any county may request assistance from State law enforcement officers."

Referred to the Committee on State Affairs.

By Mr. White and Mr. Harper:

H. B. No. 138, A bill to be entitled "An Act providing relief for a certain School District of Bowie County, Texas, in order to aid said district in rebuilding and equipping the properties of the school that was destroyed by fire, making an appropriation for said properties, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Brown of Nacogdoches:

H. B. No. 139, A bill to be entitled "An Act to amend Section 1, Article 199, of the Revised Civil Statutes of the State of Texas, pertaining to the number and the length of the terms of the District Court in the second Judicial District, composed of the

Counties of Cherokee, Angelina, and Nacogdoches."

Referred to the Committee on Judicial District.

By Mr. Morris:

H. B. No. 140, A bill to be entitled "An Act to amend Article 6205 of the Revised Civil Statutes of 1925 of the State of Texas, as amended by the Thirty-ninth Legislature, Page 222, Chapter 69, and by the Forty-first Legislature, Page 330, Chapter 153, Section 1, and by the Forty-first Legislature, Fifth Called Session, Page 251, Chapter 82, Section 1, and by the Forty-fifth Legislature, Acts of 1937, H. B. No. 261, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Kinard:

H. B. No. 141, A bill to be entitled "An Act making certain requirements necessary before a person is eligible to receive a license from the State of Texas or any of its agencies; providing exceptions and making this act cumulative of all other laws now in effect, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Wood:

H. B. No. 142, A bill to be entitled "An Act providing that persons, firms, or corporations, who operate or conduct hotels, cafes, restaurants, dining cars, or other public eating places, bakeries, and meat markets in this State, shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms, or corporations or common carriers, operating or conducting any public eating place heretofore named or operating any bakery, or meat market, public dairy or dairies, or manufacturers of and vendors of candies or manufactured sweets, shall have made a medical inspection of all their employes at intervals of not more than six (6) months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease, that such person shall be promptly discharged from such employment; providing it shall be unlawful for man-

ufacturers or vendors of candies and manufactured sweets to consign, sell or furnish in any way said candies and manufactured sweets to individuals for the purpose of resale at their private residences who do not display valid health certificates for each member of the household and sanitary display show-cases; etc., and declaring an emergency.

Referred to the Committee on Public Health.

By Mr. Westbrook:

H. B. No. 143, A bill to be entitled "An Act granting and donating to San Augustine and Sabine counties all the State ad valorem taxes levied and collected for State general revenue purposes upon the property and from persons in each of said respective counties, including ad valorem taxes on rolling stock belonging to railroad companies for a period of two years beginning with the taxable year 1939; for the use of each of said respective counties for the purposes of constructing improvements therein to provide flood control, drainage, and road building, and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor of each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month except such amounts as may be allowed by law for collecting and assessing said taxes; and requiring said assessor and collector to forward a duplicate copy of the receipts given him by the County Treasurer to the State Comptroller; defining the purposes and intention of this Act and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Westbrook:

H. B. No. 144, A bill to be entitled "An Act to provide for the care and treatment of indigent or destitute sick persons by creating a State Department of Hospitalization and Medical Care; authorizing said State Department of Hospitalization and Medical Care to build, acquire, and operate State hospitals and clinics; to contract or enter into agreements with privately owned hospitals and other

institutions for the care of indigent or destitute sick; and making an appropriation to carry out the provisions of this Act and authorizing further appropriations for such purpose."

Referred to the Committee on Appropriations.

By Mr. Kinard:

H. B. No. 145, A bill to be entitled "An Act prohibiting the State Treasurer, Comptroller of Public Accounts, and officials of any municipal corporation or political subdivision of the State from issuing or paying any warrant voucher, check or other obligation payable out of money raised by taxation for the purchase of supplies, material, equipment, or in payment of services rendered, to any person who is not a citizen of the United States of America, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Bridgers:

H. B. No. 146, A bill to be entitled "An Act to amend Section 14 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature by reenactment of subdivision 16, of Section 16, Article I relating to Wine and Beer Retail Dealer's Permit, by adding to said subdivision 16 a limitation upon the number of permits which may be issued to cities and towns of five thousand (5,000) population or more according to the last Federal census, and to provide that the number of permits shall be limited to one permit for each one thousand (1,000) population or major fraction thereof, according to the last Federal census; providing that no license shall be refused to any licensee whose license has been in effect for one year or more and which license has not been transferred within one year, but that no new license shall be issued until the number of licenses has been automatically reduced to one per population of one thousand (1,000) in such towns and cities, and that the annual fee for all licenses hereafter issued shall be \$75.00; also providing for supplementary licenses as now provided by law, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Clark:

H. B. No. 147, A Bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkey in Palo Pinto County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Thornton, Mr. Hankamer, Mr. Reader of Bexar, Mr. Anderson, Mr. Kinard, and Mr. Johnson of Tarrant:

H. B. No. 148, A Bill to be entitled "An Act, regulating the practice of medicine, amending Articles 4500, 4503, 4504, 4505, 4506, and 4507 of Title 71, Chapter 6, Revised Civil Statutes of Texas, and adding Article 4500a thereto; and amending Articles 740 and 742 of Title 12, Chapter 6, of the Penal Code of Texas, and adding Article 742a thereto, as follows: Providing for the granting, refusal, revocation, cancellation and suspension of licenses to practice medicine in this State; providing for the granting and refusing by the State Board of Medical Examiners of applications to take its examinations, and for judicial proceedings upon any such refusal; providing for the qualifications and attainments to be possessed by applicants for such examinations and licenses, the form and contents of such applications and the examination of such applicants; providing definitions of certain terms used in this Act, including the terms "reputable physicians" and "reputable medical colleges"; providing that the State Board of Medical Examiners shall not under Article 4500, as amended hereby, grant a license to practice medicine to any applicant whose authority to practice medicine in any other nation or country was granted by a nation or country in which a similar law in reference to granting a license to practice medicine under reciprocal arrangement does not exist in favor of physicians of Texas; providing that said Board be authorized to adopt and enforce rules of procedure not inconsistent with sta-

tutory requirements; providing, that those ministering or offering to minister to the sick or suffering through the application or use of the principles, tenets or teachings of any church, by prayer, without the use of any drug or material remedy, shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members; providing that the provisions of this Chapter shall not apply to duly licensed chiropodists, who confine their practice strictly to chiropody, as defined by statute; providing that these laws shall apply to all persons, other than licensed physicians, who sell or offer to sell, on the streets, in other public places, or by going from house to house, within or outside of incorporated cities, towns or villages, remedies which they recommend as tonics, rejuvenators, female remedies, or remedies for any disease whatsoever; providing for judicial proceedings hereunder; amending Article 742 of the Penal Code of this State so as to provide that any person practicing medicine in Texas in violation of the preceding Articles of Title 12, Chapter 6, of such Penal Code, shall be guilty of a misdemeanor, providing that each day of such violation shall be a separate offense and fixing the punishment therefor upon conviction; providing that any person not authorized by license to practice medicine who publicly professes to be a physician or a surgeon and offers to treat any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof, and who uses or assumes any title to, appends his name, words or letters which represent, or may tend to represent, him as a physician, shall be guilty of a misdemeanor, making each day of such violation a separate offense, and fixing the punishment therefor upon conviction; providing for the partial invalidity hereof; repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Tarwater:

H. B. No. 149, A Bill to be entitled "An Act to amend Articles 5736b, and 5736c, Chapter 7, Title 93, of

the Revised Civil Statutes of 1925, as amended by Acts of the Regular Session of the Forty-Second Legislature of the State of Texas relating to the Babcock Test for Milk and Cream, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Hardeman and Mr. Goodman:

H. B. No. 150, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated for the operation, support and maintenance, including salaries of the officers and employees, of the Big Spring State Hospital, Big Spring, Texas, until September 1, 1939; for equipment and installation of same in the seven buildings and the power plant of said Hospital; for the construction of a laundry and mattress factory and equipment therefor, for miscellaneous equipment and ground and other improvements for said Hospital; and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Weldon:

H. B. No. 151, A bill to be entitled "An Act to license and regulate persons engaging in the business of constructing, reconstructing, repairing, altering, installing or adjusting weights, scales or weighing devices; providing for registration fees and for examinations of applicants for licenses; providing for issuance of renewal licenses on payment of renewal fees; providing that a firm, partnership, corporation, company or association may engage in the business of scale repairman in this State, provided such business is carried on by only scale repairmen licensed and registered in this State; providing for the keeping of certain records and the making of certain reports by licensees; providing for the promulgation of rules and regulations for the enforcement of the Act not inconsistent therewith by the Commissioner of Agriculture; providing for the revocation and suspension of licenses; providing certain exemptions; providing penalties

for the violation thereof and repealing all laws in conflict."

Referred to the Committee on Agriculture.

By Mr. Hankamer, Mr. Bridgers and Mr. Isaacks:

H. B. No. 152, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico, and Texas, entered into by commissioners representing the three States and the United States on March 18, 1938; authorizing the Governor of Texas to appoint a commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the commissioner; and declaring an emergency."

Referred to the Committee on Interstate Cooperation.

By Mr. Bond, Mr. Winfree, Mr. Montgomery and Mr. Heflin:

H. B. No. 153, A bill to be entitled "An Act empowering the courts of the State of Texas having original jurisdiction of Criminal actions to suspend the imposition or execution of sentence and to place defendant on probation under certain conditions; specifying conditions of probation which, among others, may be imposed; providing for investigation by Probation Officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extensions thereof; amending Articles 776, 777, and 778, Code of Criminal Procedure of Texas; providing for the discharge of defendants who have observed the conditions of probation imposed by the Courts and the legal effect of such discharge; providing for the arrest, with or without warrant, of defendants on probation, and for the reimposition of sentence without jury trial in the event the conditions of probation have been violated; providing that the Court may require bond of the defendant before releasing him on probation; and fixing the conditions of said bond; providing for the appointment of Probation Officers and the method thereof, and making provision for their compensation and for their necessary expenses, and making an appropriation therefor, and for the bonding of such Probation Officers as shall

handle moneys; authorizing the removal or suspension of Probation Officers under certain conditions; requiring the services of such Probation Officers to be available, under certain conditions, to Judges of other Courts, and to Parole Boards in the State of Texas for supervision of paroled convicts; prescribing the duties of such Probation Officers and the powers of such Officers; providing that information obtained by said Officers shall be privileged; providing for the transfer of probationers from one district to another under certain conditions; directing the Commissioners Courts to provide office space for said Probation Officers; designating "Chief" and "Assistant" Probation Officers; retaining the effectiveness of the present suspended sentence law as to all defendants now under such sentence; repealing Articles 776a, 779, and 780, Code of Criminal Procedure of Texas, but Articles 779 and 780 shall continue in effect as to all persons now at liberty under suspended sentence; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Ragsdale, Mr. Lehman and Mr. Corry:

H. B. No. 154, A bill to be entitled "An Act to authorize and direct the Board of County and District Road Indebtedness and the State Treasurer to invest Two Million, Five Hundred Thousand Dollars (\$2,500,000) out of the County and Road District Highway Fund, in certain State warrants in the Old Age Assistance Fund, in certain State warrants held by the Republic National Bank and Trust Company in Dallas, Texas, which are being held in the amount of One Million, Three Hundred and Thirty Thousand, Eight Hundred and Ninety-seven Dollars (\$1,330,897), or so much thereof as needed to retire said indebtedness plus interest due; and in certain State warrants on the Old Age Assistance Fund, and directing the reimbursement of the County and Road District Highway

Fund out of the General and/or Old Age Assistance Fund, as funds are available, and at the direction of the Old Age Assistance Commission, together with interest thereon, at the rate of one per cent per annum, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. McFarland, Mr. Bundy, Mr. Donaghey, Mr. Davis of Jasper, and Mr. Roach:

H. B. No. 155, A bill to be entitled "An Act to amend Articles 7101, Chapter 4, Title 122, Articles 7162, 7174, Chapter 6, Title 122, and Articles 7183, 7184, 7192, 7193, 7204, 7214, 7215, 7216, 7218, 7221, and 7224, Chapter 7, Title 122, Revised Civil Statutes of Texas of 1925."

Referred to the Committee on Revenue and Taxation.

By Mr. Howington:

H. B. No. 156, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, transferring certain lands from The Evans Common School District No. 7, in Mills County, Texas, to The Mullin Independent School District, Mills County, Texas, and to the Jones Valley Common School District No. 12, in Mills County, Texas, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Galbreath:

H. B. No. 157, A Bill to be entitled "An Act creating and establishing Jackson County Road District Number Ten in Jackson County, Texas, under Article II, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds;

directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the District hereby created are also included in other road Districts having outstanding bonds shall not effect the District hereby created or its powers hereby granted; and providing that liability of territory included in this District and other road districts which have issued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article II, Section 52; determining that all of the lands in said District will be benefitted by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special law; providing that if any provision hereof is held to be invalid, such holding shall not affect the other provisions hereof; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Smith of Frio:

H. B. No. 158, A bill to be entitled "An Act to amend Article 3336, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925 as amended, validating the acts of probate courts in certain cases, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. McAlister and Mr. Johnson of Tarrant:

H. B. No. 159, A Bill to be entitled "An Act granting permission to A. B. Murdock to bring suit against the State of Texas and/or Highway Department in a Court of competent jurisdiction, for damages resulting by reason of the Texas Highway Department withholding a certain sum as liquidated damages, which is due and owing to the said



A. B. Murdock for labor and material furnished in the building of Texas State Highway No. 34 in Tarrant County, Texas; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provision of this Act shall be invalid, the invalidity of the provisions thereof shall not be affected and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Morris, Mr. Johnson of Tarrant, Mr. Smith of Matagorda, Mr. Coleman, Mr. Heflin, Mr. Thornberry, and Mr. Keith:

H. B. No. 160, A Bill to be entitled "An Act to restrain and prevent unfair, discriminatory, and deceptive merchandising practices in the State of Texas; defining the terms "person," "price," "commerce," "service," "facilities," "customary cash discounts," "unfair, deceptive, and discriminatory methods," "cost," "cost of doing business," "overhead expenses," "ordinary channels," and "manner of trade," and defining other essential terms; making it unlawful for any person engaged in commerce, in the course of such commerce, to discriminate in price between purchasers of commodities of like grade and quality and between different sections, communities, cities or portions thereof, or between localities in such sections, communities, cities or portions thereof in this State, where the effect of such discrimination may lessen competition or tend to create a monopoly, or to lessen, injure, destroy, prevent, hinder, or suppress competition, with any person who grants or knowingly receives the benefits thereof; providing for differentials in prices between competitors and goods, wares, and merchandise under certain and limited conditions; making it unlawful for any person engaged in commerce, in the course thereof, to pay, grant, or receive a valuable consideration as compensation for brokerage, either in addition to or exclusive of, the customary cash discount except under certain conditions; making it unlawful for any person engaged in commerce, in the course thereof, to contract for the payment of any valuable consideration for the benefit

of a customer of such person or in consideration of any services or facilities in connection with the processing, handling, sale, or offering for sale of any article, product, or commodity, or for the purchase of any article, product, or commodity bought for resale, unless the same valuable consideration, service, and facilities are available and are accorded to all customers and purchasers upon proportionately equal terms; making it unlawful for any person engaged in commerce, in the course thereof, knowingly to induce or receive a discrimination in price; declaring unfair, deceptive, and discriminatory methods of production, manufacture, sale, and distribution of articles, products, and commodities, service, and facilities, within the State, unlawful, etc."

Referred to the Committee on Commerce and Manufactures.

By Mr. Hale:

H. B. No. 161, A bill to be entitled "An Act giving the Commissioners Courts authority to fix the salary of the County Treasurer, amending Section 13, Article 3912-E, Revised Civil Statutes of Texas 1925, reducing the minimum compensation which the County Treasurer is authorized to receive, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Broadfoot, Mr. Harrell of Bastrop, Mr. McMurry, Mr. Russell, and Mr. Talbert:

H. B. No. 162, A bill to be entitled "An Act providing for injunction at the suit of either the State or any citizen thereof to stop or prohibit the use of any premises, place or building or part thereof for the purpose of gaming or keeping or exhibiting games or for use as bawdy or disorderly houses or for carrying on bucket shops or for the business of pool selling or book making or for voluntary engaging in fights between a man and a bull for pay, championship, or wager, or where admission fee is charged, as prohibited by the Penal Code or any law of this State, declaring such places a nuisance and providing for notice of the same to the District or County Attorney and providing for costs, penalties and attorneys'

fees and prescribing procedure to be followed; providing for lien for costs and attorneys' fees, and amending Article 4667 of the Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 76, passed by the Regular Session of the Forty-fifth Legislature and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Dowell:

H. B. No. 163, A bill to be entitled "An Act to declare a State Policy regarding the activities of the various agricultural agencies of the States, especially as they affect cotton, peanuts, and sweet potato products, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of two cotton, peanut, and sweet potato research laboratories, and making an appropriation therefor; stating a contingency upon which said appropriation is made; providing that the Board of Control may accept tracts of land, gifts, or grants; providing for construction to be under the Board of Control; providing for the location of said laboratories; providing for the employment of architects, engineers, experts, etc., providing for other necessary expenses; providing for the Comptroller to pay warrants; providing rules and regulations shall allow for cooperation between cotton-producing States, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. McDaniel, Mr. Clark, Mr. White, Mr. McMurry, and Mr. Dickson:

H. B. No. 164, A Bill to be entitled "An Act relating to the suspension of sentence in misdemeanor cases; providing for suspension of sentence in misdemeanor cases on application of defendant and recommendation of the jury where the evidence shows no prior conviction of either felony or misdemeanor; providing for suspension in trial before the court without jury and providing testimony as to general reputation may be heard on request of defendant; providing for judgment in such cases that sen-

tence shall be suspended during good behavior and defining "Good Behavior", and providing court shall have the right to require defendant to report to the court and make other reasonable requirements during such suspension; providing court shall have the power upon failure of the defendant to comply with such requirements to arrest the defendant and reimpose such sentence; providing procedure as to suspended sentence in misdemeanor cases; permitting proof of general reputation on the request of the defendant; providing in case of such suspension, such conviction shall not be inquired into and shall not become final except as provided by law; providing for method of making suspended sentences final and providing it shall be cumulative of punishment in any subsequent conviction during such suspension; providing that at the expiration of such suspended sentence, on proof that the defendant has not again been convicted and on motion of defendant, he shall be granted a new trial and the case dismissed. And that after such dismissal, same shall not again be inquired into except where the defendant at a later date invokes the benefit of this law; providing that where sentence is suspended the defendant shall be released on his recognizance, declaring the legislative intent; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Allen and Mr. Stoll:

H. B. No. 165, A Bill to be entitled "An Act of the Legislature of the State of Texas making it unlawful to transport minnows beyond the limits of Williamson County that are taken from any waters in Williamson County for the purpose of barter and sale and fixing the penalty therefor and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Isaacks, Mr. Bridgers, and Mr. Hankamer:

H. B. No. 166, A Bill to be entitled "An Act to amend Senate Bill No. 249, Chapter 122, of the General Laws passed by the Regular Session of the Thirty-eighth Legislature, and approved March 23, 1923, being Article 2797 of the Revised Civil Stat-

utes of 1925, providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds, and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds; repealing all laws and parts of laws, general and special, in conflict herewith; and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Heflin:

H. B. No. 167, A Bill to be entitled "An Act to amend Article 5058 of the Revised Civil Statutes of Texas of 1925, as amended by Act of 1935, 44th Legislature, page 227, chapter 91, section 1, so as to provide that on any policy of insurance covering any person, persons or property in Texas the local recording agent countersigning such policy shall be paid the full commission fixed by the State Insurance Commission, without deduction; providing for the filing with the State Insurance Commission of sworn information in connection with policies of insurance on which commissions, fees or other compensations are paid non-residents; providing that policies presented to local recording agents for countersignature shall be fully prepared, except for such signature; declaring certain legislative intent with respect to this Act, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Spencer:

H. B. No. 168, A Bill to be entitled "An Act providing the relief for a

certain School District of Henderson County, Texas, in order to aid said District in the re-building and equipping properties of the School that was destroyed by fire, making an appropriation for said properties and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Heflin:

H. B. No. 169, A Bill to be entitled "An Act to amend Articles 4878 and 4879 of the Revised Civil Statutes of Texas of 1925, so as to provide that the State Insurance Commission shall have the authority to fix the rate of commissions to be allowed and paid local recording agents and solicitors; providing that no fire insurance company shall pay or allow any commission or other compensation to any local recording agent or solicitor other than at the rate of commission fixed by the State Insurance Commission; providing that no fire insurance company shall write insurance at a less rate than the maximum fixed by the State Insurance Commission without the approval of the State Insurance Commission; defining general agents and state agents; declaring certain legislative intent with respect thereto, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Holland:

H. B. No. 170, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein—specifically, in all those counties having not less than 50,000, and not more than 50,100 according to the Federal Census of 1930; modifying all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Brown of Cherokee, Mr. Thornberry and Mr. Keith:

H. B. No. 171, A bill to be entitled "An Act creating a Board of Land Commissioners, fixing their duties, their compensation, providing for the

manner of their appointment and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Hardin, Mr. Johnson of Ellis, Mr. Dickison, Mr. Wells, Mr. Davis of Jasper, Mr. Westbrook, Mr. Oliver and Mr. Wright:

H. B. No. 172, A bill to be entitled "An Act appropriating Ten Million Six Hundred Seventy-three Thousand Three Hundred Forty-three (\$10,647,343.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of promoting public school interest and equalizing educational opportunities afforded by the State to all children of scholastic age within the State, including specified amounts to match Federal Funds appropriated for the purpose of conducting work in Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and Rehabilitation for Crippled and Defective Children, Distributive Education, attaching conditions, regulations and limitations relative thereto; making various allocations of said appropriation, setting forth the benefit thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils according to the provisions of House Bill No. 158, General Laws, Regular Session Forty-fourth Legislature, as amended, and setting a minimum free time; providing for the payment of transportation aid under certain conditions; specifying penalties for the violation of any of the provisions of this Act; setting up qualifications for aid according to scholastic population of districts, establishing a distance between schools that are to participate in this fund; establishing certain rules and regulations governing average daily attendance in schools qualifying for aid; providing for a

definition of teacher-pupil load to make definite the number of scholastics per teacher necessary for the participation of a district in any part of the Equalization Fund; providing for certain regulations concerning qualifications of teachers and maximum salary schedule in schools receiving aid of any type; providing for tax regulations and limitations; providing for the granting of aid if a budget need is shown in districts which have lost land by reason of purchase on the part of the Federal Government, loss of land sustained through University ownership, or loss of land through Water Board purchase; providing for the allocations of funds to the various divisions as named in this bill, providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; provided that the State Superintendent and State Board shall have full authority in the administration of funds appropriated in this Act; defining powers of the State Board of Education and of the State Superintendent; providing for the method and manner of appointing certain employees; defining the manner of payments and disbursements of all moneys granted under the provisions of this Act; making certain exceptions for counties with less than fourteen hundred (1400) scholastics within the common school districts, districts of more than forty-eight (48) square miles, districts of nine (9) miles or more in length; providing definite dates and place for the filing of applications for high school tuition and salary aid; providing high school tuition for pupils in consolidated or rural high school districts composed of not less than two (2) original districts where the valuation per scholastic is less than Fifteen Hundred (\$1500) Dollars and where the budget of the district shows a need; providing for cooperative purchasing with the approval of the county board and county superintendent; authorizing the State Board of Education or its agent to receive donations and gifts and to place same in the State Treasury of Texas in a special fund to be used under the provisions of

the Vocational Rehabilitation Act; enacting other provisions necessary and incidental to the provisions of this Act; providing the State shall not be pledged nor obligations incurred against the Rural Aid Fund in any one year in excess of the amount appropriated; providing that the tax provisions and other inhibitions provided in said bill shall not apply to schools attended by Alabama Indians of Polk County and certain other exceptions; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Smith of Frio:

H. B. No. 173, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34, of the Special Laws of the Acts of Regular Session of the Forty-fourth Legislature, and as further amended by Chapter 189 of the Acts of Regular Session of the Forty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said

Article the County of Frio, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. Kennedy:

H. B. No. 174, A bill to be entitled "An Act amending Section 1, Article 1583a, Section 1 of the Penal Code of 1925, creating a double platoon system for Fire Departments for all cities having 10,000 population or over, according to the last preceding Federal Census, providing for maximum daily working hours; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Loggins:

H. B. No. 175, A Bill to be entitled "An Act providing for the taxing and licensing of school equipment dealers; providing a license fee of \$1,000.00; prohibiting the purchase of equipment by school districts from other than licensed dealers; prohibiting dealers from engaging in business without a license, and providing a penalty; creating a board to serve without compensation to examine applicants and issue licenses, and providing for the appointment of said board; providing for the actual expenses of said board; defining the term 'school equipment'; providing regulations as to who may be licensed; repealing all laws or parts of laws in conflict herewith; providing a saving clause and declaring an emergency."

Referred to the Committee on Education.

By Mr. Felty:

H. B. No. 176, A Bill to be entitled "An Act defining and regulating hospitals, sanitariums and infirmaries, as defined herein; providing for the licensing thereof; providing for the creation of the State Hospital Board and providing for inspection and reports in regard thereto; providing for the revocation, suspension and refusal of license and fees to be charged therefor; providing for appeal; allowing rules and regulations to be promulgated by the State Hospital Board; providing for the disposal of fees and fines; prescribing penalties for the violation of the provisions of this Act and declaring certain legislative intent and for other

purposes, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Boyd:

H. B. No. 177, A bill to be entitled "An Act authorizing governing bodies of incorporated cities and towns and boards of trustees of independent and rural high school district to contract with attorneys or other persons for the enforcement of the collection of delinquent taxes, penalty and interest; authorizing said governing bodies to contract for the preparation of lists of property upon which delinquent taxes are due and to pay the cost of preparing said list out of taxes, penalty and interest collected therefrom; providing for the payment of the compensation of such attorneys or persons; authorizing the preparation of and payment for delinquent tax lists; repealing all laws in conflict; providing a rule of construction; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Dwyer:

H. B. No. 178, A Bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1938, due to the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before June 1, 1939; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof; and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such finding of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town or

village or special school district or independent school district, providing for the release of costs under certain circumstances; providing that anyone desiring to pay at one time all delinquent taxes for any one year on the same property may so pay without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that if any section, clause, sentence, paragraph or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Brown of Cherokee, Mr. Bradbury, Mr. Thornberry, and Mr. Rhodes:

H. B. No. 179, A Bill to be entitled "An Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; making appropriations therefor; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State Officials in reference thereto; prescribing the maximum rate of interest to be paid; providing that authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the 2nd Called Session of the 44th Legislature; providing for the payment of any warrants issued under the provisions of this Act; limiting the amount of warrants to be issued hereunder to not more than Nine Hundred Thousand (\$900,000) Dollars and further providing that no such warrants on which interest is to be paid shall be issued after September 1, 1939; making this Act cumulative of other laws by providing that it shall take precedence over any law conflicting herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Shell:

H. B. No. 180, A Bill to be entitled "An Act to amend Chapter 23 of the Acts of the 3rd Called Session of the

36th Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency.' By extending the provision of said Act for a period of forty years from September 1st, 1920 and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

Referred to the Committee on State Affairs.

By Mr. Shell:

H. B. No. 181, A Bill to be entitled "An Act to extend for an additional period of twenty years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the city of Aransas Pass in constructing and maintaining sea walls, breakwaters, and other shore protections, including wharves forming part or parts of same in order to protect said city from calamitous overflows by donating to it the eight-ninths (8/9) of the ad valorem taxes collected on property and from persons in San Patricio County for period ending August 31, 1960, and providing a penalty for the misapplication of monies thus donated and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Chambers and Mr. Howington:

H. B. No. 182, A Bill to be entitled "An Act to amend Article 2375 of the Revised Civil Statutes of 1925

so as to provide for the election of two justices of the Peace in Justice Precincts containing a city of eight thousand (8,000) inhabitants or more, upon petition of five hundred (500) qualified voters residing within such precinct to the Commissioner's Court of the County in which such precinct is located, and said Commissioner's Court finding a necessity therefor and entering an order upon its minutes to that effect, two Justices of the Peace may be elected; repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Westbrook:

H. B. No. 183, A Bill to be entitled "An Act to prohibit trustees from accepting bribes; providing that the testimony of witnesses need not be corroborated in such cases; fixing penalties for violations hereof, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Coleman, Mr. Heflin and Mr. Hardin:

H. B. No. 184, A bill to be entitled "An Act prohibiting the transportation upon public highways of gasoline in the excess of 30 gallons in other than the vehicle fuel tanks with certain exceptions: Providing a penalty and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mrs. Gordon and Mr. Wilson:

H. B. No. 185, A bill to be entitled "An Act validating elections heretofore held, authorizing the issuance of waterworks revenue bonds, and the bonds when issued, approved and registered, under circumstances prescribed herein, providing that the provisions hereof shall not be applicable in instances wherein litigation exists, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Pevehouse and Mr. Dickson:

H. B. No. 186, A bill to be entitled "An Act to amend Article 3810 of Title 56 of Revised Statutes of Texas, 1925, by adding Article 3810b



providing for notice in writing of any sales that may be made under deeds of trust or other written instruments, to be given to the person or persons then owning or claiming such real estate or in possession of said real estate, in addition to the notice now provided by the terms of Article 3810, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Pevehouse and Mr. Dickson:

H. B. No. 187, A bill to be entitled "An Act to amend Title 42, relating to Practice in the District and County Courts, and particularly paragraph 4, of Chapter Eight thereof dealing with the subject "Charge of the Court," of the Revised Statutes of Texas, 1925, and amending Article 2185 thereof by providing that when the charge of the court is filed that same shall be regarded as excepted to and subject to revision on appeal without the necessity of taking a bill thereto; also specifically repealing Articles 2189 and 2190 of said Revised Statutes making it mandatory upon the trial court to submit a case upon special issues, and substituting therefor as a new article, article 2189 making it discretionary with the trial court to submit to the jury for special verdict or for special finding such issue or issues of fact as may be made up before the jury, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Clark and Mr. Burkett:

H. B. No. 188, A Bill to be entitled "An Act creating and establishing what shall be known as an 'escheat fund' in the office of the treasurer of the State of Texas; withdrawing from oil and gas buying agencies, persons or firms unclaimed money held for longer than a certain period of time designated herein; providing that such funds shall on certain dates, periodically be reported to the State Comptroller, providing the manner of making such report and for the payment of all unclaimed moneys so reported to the State Treasurer to be deposited in the escheat fund; providing for the method of handling such funds by the State

Treasurer, for the bringing of suits by claimants to determine the ownership of any such funds; providing certain duties for the attorney general and district and county attorneys acting for him in suits brought by claimants; providing penalties for any violation of this law; providing that if any part of this law should be declared unconstitutional, it shall not affect the remainder or other portions of the law; expressly repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Baker of Ft. Bend:

H. B. No. 189, A Bill to be entitled "An Act to amend Article 2241 of the Revised Statutes of 1925 which pertains to the obtaining of a transcript of the evidence in appeals or writs of error in forma pauperis from County and District courts, by providing for the compensation of the official Court Reporter by the county in which such case is tried, charging the expense of preparing such transcripts as costs and providing for the reimbursement of such county, and limiting the use of such transcript to those securing same, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Allison, Mr. Harrell of Lamar, and Mr. Clark:

H. B. No. 190, A Bill to be entitled "An Act making the giving of any check, draft or order for money upon any bank, firm, person or corporation, a felony, providing the person so giving such check, draft or order has not at the time of giving such check, draft or order sufficient funds deposited with such bank, firm, person or corporation to pay such check, draft or order; providing for the punishment for violation thereof; repealing section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Dean, Mr. Morris, Mr. Dickson, Mr. Kinard, Mr. Wells, Mr. Loggins, Mr. Felty, Mr. Johnson of Tarrant, Mr. Stinson, Mr. Segrist,

Mr. Hartzog, Mr. Shell, and Mr. Reed:

H. B. No. 191, A Bill to be entitled "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Baker of Fort Bend:

H. B. No. 192, A Bill to be entitled "An Act amending Article 2350 (4) of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 277, Acts of the 45th Legislature of Texas, Regular Session."

Referred to the Committee on Counties.

By Mr. Burkett:

H. B. No. 193, A Bill to be entitled "An Act authorizing the Commissioners Court in each County in this State having a population of not less than twelve thousand seven hundred (12,700) nor more than twelve thousand nine hundred (12,900), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the County; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the County; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Dean, Mr. Kinard, Mr. Dickison, Mr. Bradbury, Mr. Harris, Mr. Wilson, Mr. McDonald, Mrs. Gordon, Mr. McNamara, Mr. Hardin, Mr. Baker of Grayson, Mr. McMurry, and Mr. Allison:

H. B. No. 194, A Bill to be entitled "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for vot-

ing such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; prohibiting the advertising of prices; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer the provisions of this Act; regulating barber schools or barber colleges; providing for fine or imprisonment for violation of the provisions of this Act; providing for the suspension or revocation of licenses by the Board; and providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Loggins:

H. B. No. 195, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the creation of the State Board of Chiropody Examiners and prescribing their powers and duties; providing for the examination and licensing of chiropodists and the recording of licenses issued to chiropodists and for the annual registration of licensed chiropodists; providing grounds upon which such licenses may be suspended or revoked and the procedure to be followed in suspending or revoking same; providing civil and criminal remedies and penalties for violation of the laws regulating the practice of chiropody and to prevent the unlawful practice of chiropody, defining certain unlawful acts and practices taking place in connection with the practice of chiropody and prescribing penalties therefor; amending Articles 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575 of the Revised Civil Statutes of 1925, and also amending Chapter 11, Title 71, Revised Civil Statutes of 1925 by

adding Article 4573-a immediately after Article 4573, as amended herein, and by adding Article 4573-b immediately after Article 4573-a, and by adding Article 4575-a immediately after Article 4575, as amended herein, and amending Articles 778, 779 and 780 of the Penal Code of 1925, and also amending Chapter 11, Title 12 of the Penal Code of 1925 by adding Article 778-a immediately after Article 778, as amended herein, and by adding Article 779-a immediately after Article 779 as amended herein, and by adding Article 779-b immediately after Article 779-a, and otherwise regulating and protecting public health as dealt with by the profession of chiropody as in the Act set out; providing for reciprocity as limited in the Act and declaring certain legislative intent with respect to this Act, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Dickison, Mr. Anderson, and Mr. Reader of Bexar:

H. B. No. 196, A bill to be entitled "An Act releasing all penalty and interest accrued on ad valorem city taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Anderson:

H. B. No. 197, A Bill to be entitled "An Act defining and limiting jurisdiction of the courts in matters affecting employers and employees; declaring the public policy of the State in such matters; declaring all contracts made in violation of such public policy to be unenforceable; enumerating specific acts not subject to restraining orders or injunctions even though said acts are participated in by persons or combinations of persons interested in labor disputes; providing that no officer or member of a labor organization or association, and no labor organization or association shall be respon-

sible for the unlawful acts of its officers, employees, or agents except in certain instances; providing that no restraining order or injunction shall be issued except after a hearing before the court with testimony of witnesses and an opportunity of cross examination, and after the court has found the existence of certain facts or conditions specifically mentioned; providing the procedure to be followed by the court in hearing labor disputes, and the issuance of restraining orders and injunctions; providing that where any court issues or denies a restraining order or injunction in a labor dispute such a case on appeal shall have precedence; providing for the filing and findings of facts by the judge prior to the issuance of any restraining order or injunction in a labor dispute; providing that persons charged with contempt arising out of a labor dispute shall have the right of speedy trial by jury unless the alleged contempt be committed in the presence of the court or be such as interferes directly with the administration of justice; providing how a judge may be disqualified and another judge designated to take his place; defining certain words and phrases as used in this Act; providing that if any part of the Act is held unconstitutional it shall not affect the remaining portions of the Act; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. McAlister, Mr. Hull, Mr. Corry, Mr. Bradford, and Mr. Johnson of Tarrant:

H. B. No. 198, A Bill to be entitled "An Act providing for the interchange of teachers between schools in independent school districts of this State of more than 500 scholastic population on agreement of Boards of Trustees thereof with authorities of foreign countries or states, territories or possessions of the United States and those of such foreign countries or states, territories or possessions of the United States; the issuance of Exchange Certificates to foreign teachers upon approval thereof by the State Superintendent of Public Instruction; for the repeal of provisions of law conflicting therewith to the extent same are in conflict; providing that teachers af-

affected thereby shall receive salary during interim of exchange from the original employers thereof; fixing the rights of domestic teachers exchanged under the Teachers Retirement Act; and declaring an emergency."

Referred to the Committee on Education.

By Mr. Harris and Mr. Allison:

H. B. No. 199, A Bill to be entitled "An Act making an appropriation of Sixty Thousand Dollars (\$60,000.00) for the purpose of matching any sum of money that may be granted or donated by the Federal Government for the completion of the building of the West Texas Museum Association, located on the campus of the Texas Technological College, at Lubbock, Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Petsch:

H. B. No. 200, A Bill to be entitled "An Act authorizing District and County Judges to suspend imposing of sentences, to reimpose sentences and to place a defendant on probation, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Wells and Mr. Harrell of Lamar:

H. B. No. 201, A Bill to be entitled "An Act to amend Sec. 1 of Art. 2691B, Chap. XI, Title 49 of the Revised Statutes, as enacted by the First Called Session of the Forty-Second Legislature, and being found in Acts of 1931, Chap. XXXIX, at Page 83, by providing for the addition thereto of Lamar County, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Wells and Mr. Harrell of Lamar:

H. B. No. 202, A Bill to be entitled "An Act to amend Sec. 1 of Art. 2351A of the Revised Civil Statutes, the same being House Bill No. 427, Acts 1937, of the Forty-fifth Legislature, Regular Session, by providing for the addition thereto of counties having not less than 48,500, and not more than 49,000 population."

Referred to the Committee on Counties.

By Mr. Allison and Mr. Cleveland:

H. B. No. 203, A Bill to be entitled "An Act providing for the refund of motor fuel taxes to purchasers of motor fuel and distributors who appropriated motor fuel for use when such fuel is used for operating or propelling stationary gas engine, tractor used for agricultural purposes, aircraft, motor boats or purposes other than use in motor vehicles operated or intended to be operated in whole or in part upon any of the public roads, streets or highways of the State of Texas; providing for the obtaining of an invoice of exemption at the time of such purchase or appropriation, the form of invoice of exemption; providing for an affidavit to be used to obtain such refund; providing for the refund of Four (4) Cents per gallon on each gallon of motor fuel so purchased and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Bell:

H. B. No. 204, A bill to be entitled "An Act making an appropriation for the State Health Department for the purpose of establishing and conducting full time rural health services on a cooperative basis when deemed necessary by the State Health Department, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Johnson of Tarrant:

H. B. No. 205, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Johnson of Tarrant:

H. B. No. 206, A bill to be entitled "An Act to amend Article 1839, Chapter 3, Title 39 of the Revised Civil Statutes as amended by the Acts of the Regular Session of the Forty-third Legislature of the State of Texas, so as to fix the time for filing the transcript and statement of facts in the Court of Civil Appeals and providing for an extension of such time for cause shown, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Johnson of Tarrant:

H. B. No. 207, A bill to be entitled "An Act to amend Articles 3516 and 3517 Revised Statutes of 1925 providing the manner in which claims shall be presented to executors or administrators."

Referred to the Committee on Judiciary.

By Mr. Piner:

H. B. No. 208, A bill to be entitled "An Amendment to Article 8306, Chapter 25, of the Workmans Compensation Act, changing Section 7 to provide for proper care of the injured employee, to provide for recovery of expenses of such care from the association by the injured employee, and for the selection of the doctor of said employees choice. To add another paragraph to said Article to be known as Section 20, to provide a penalty for the failure of the association to fulfill its contract in accordance with the provisions of this Act, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Davis of Jasper:

H. B. No. 209, A bill to be entitled "An Act to validate, ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes heretofore made by county line independent school districts, partly situated in three or more counties, the supervision of said school being located in counties having a population not less than 17,000 nor more than 17,500, as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of The State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of Assessors assessing such property; and all equalizations of

said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and further providing that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character; or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Bell:

H. B. No. 210, A bill to be entitled "An Act validating the creation and organization of Independent School Districts, validating the election and actions of the Boards of Trustees, making this act applicable to certain counties according to the last preceding Federal Census and to the 1938-1939 Public School Directory of the State Department of Education and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Bridgers:

H. B. No. 211, A bill to be entitled "An Act to repeal Section I of House Bill Number 993, enacted by the Forty-fifth Legislature, relating to the trial of insane persons charged with crime and providing for the commitment of such persons to a State Hospital for the Insane, if found to be sane at the time of the commission of the offense but insane at the time of the trial of such person, and for the trial of persons charged with crime who were sane at the time of the commission of the crime but insane

upon the trial of their case; and enacting in lieu of said provisions relating to the trial of insane persons charged with crime as provided in Section I of said Act of the Forty-fifth Legislature, a provision providing that in any case where present insanity of the defendant is interposed as a defense, and that issue is tried before the main charge, and the jury shall find the defendant insane, the court shall thereupon make and have entered on the minutes of the court an order committing the defendant to the custody of the Sheriff to be kept subject to the further order of the County Judge of the County, and the proceedings shall forthwith be certified to the County Judge who shall at once take the necessary steps to have the defendant committed to and confined in a State Hospital for the Insane until he becomes sane, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Burney:

H. B. No. 212, A Bill to be entitled "An Act creating a Special Road Law for Hamilton County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of the 1st day of January, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County and the officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Harrell of Bastrop, Mr. Worley, Mr. Newell, Mr. Tennant, Mr. Fielden, Mr. Lehman, Mr. Kinard, Mr. Smith of Hopkins, Mr. Hale, Mr. Morris, Mr. White, Mr. Ferguson, Mr. Clark, Mrs. Gordon,

Mr. Broadfoot, Mr. Russell, Mr. Mays, and Mr. Galbreath:

H. B. No. 213, A Bill to be entitled "An Act requiring drivers and operators of motor vehicles to dim lights before meeting and passing others upon highways at night; prescribing penalties necessary and incident thereto; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Keith:

H. B. No. 214, A Bill to be entitled "An Act to amend Section 4 of Senate Bill No. 4, being Chapter 98 of the Acts of the Forty-third Legislature, First Called Session, providing for the transfer of the lien for taxes that the State, county or defined sub-division thereof, has upon any real property; providing for the filing and registration of such transfer; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Keith:

H. B. 215, A Bill to be entitled "An Act requiring all school districts, road districts, water improvement districts, drainage districts, levee districts, and all other districts levying and assessing taxes to file annually a list of all taxes on real property within such respective districts with the county collector of taxes; and providing that if any such district shall fail to file such tax list by November 1st of each year hereafter, it shall lose its liens as against an innocent purchaser or mortgagee; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Goodman:

H. B. No. 216, A Bill to be entitled "An Act amending Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any county where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000.00 and not exceeding \$25,000,000.00 according to the last approved tax roll and with a total area of not less than 950 square miles and not exceeding a square

area of 980 square miles, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Goodman:

H. B. No. 217, A bill to be entitled "An Act amending Article 2350 of the Revised Statutes of the State of Texas, providing for the compensation of County Commissioners in any county where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000.00 and not exceeding \$25,000,000.00 according to the last approved tax roll and with a total area of less than 950 square miles and not exceeding an area of 980 square miles, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Smith of Frio:

H. B. No. 218, A bill to be entitled "An Act to amend Article 570 Penal Code of the State of Texas of 1936 changing the penalty for the violation of Article 568 of the Penal Code of the State of Texas, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harrell of Lamar:

H. B. No. 219, A bill to be entitled "An Act authorizing the Boards of School Trustees of Independent School Districts and County Boards of School Trustees to employ visiting Teachers, setting forth qualifications of visiting teachers, prescribing their duties, defining their status, and prescribing how they shall be paid; providing a saving clause, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Howard:

H. B. No. 220, A bill to be entitled "An Act amending S. B. 29, Chapter 13, Acts Fourth Called Session Forty-first Legislature, so as to eliminate certain conflicts relative to the term of leases on prison lands; confirming and validating certain leases under certain circum-

stances and conditions, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mrs. Colson:

H. B. No. 221, A bill to be entitled "An Act amending Acts of 1934, Third Called Session, Forty-third Legislature of Texas, Page 118, Chapter 63; otherwise identified as Article 3886d, Revised Civil Statutes of 1925, by authorizing the District Attorney of the 9th Judicial District to appoint a special investigator in and for Montgomery County, Texas, providing salary, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Harris:

H. B. No. 222, A bill to be entitled "An Act to define, license, and regulate loan brokers, and the business of loan brokers in amounts of from \$1.00 to \$300.00, secured or unsecured; providing for a license fee; providing that application for license shall be in writing under oath; providing for an occupation tax; providing for the appointment of an agent to accept service in certain suits; providing for service upon the county judge in certain suits, whether such loan brokers are licensed or not licensed; providing for the filing of a bond by loan brokers for the use of any and all persons who may have cause of action under this Act; declaring usurious contracts within the scope of this Act to be unlawful and against public policy and void as to interest only; providing additional penalty for usury collected or paid; providing for an attorney's fee in actions for recovery of damages or usury under this Act; requiring the joinder and signature of the wife on certain documents when given by a married man as security for a loan of money or purchase of wages or salary, or other transaction, under this Act; requiring loan brokers to keep certain records; and providing that certain persons may examine said records; and providing that said records may be used as evidence in certain suits against said loan brokers; requiring loan brokers to deliver statement of transaction to person doing business with such loan



broker; requiring loan brokers to give certain receipts for money collected; exempting certain persons, co-partnerships, associations and corporations from the provisions of this Act, providing that if any part or provision of this Act shall be adjudged unconstitutional or invalid, that the remainder shall remain in full force and effect thereafter; providing punishment for violations of this Act; to repeal Senate Bill No. 7 of Acts of 1915, Thirty-fourth Legislature, Regular Session, page 48, chapter 28; to repeal Senate Bill No. 32 of the Acts of 1917, Thirty-fifth Legislature, First Called Session, page 59, chapter 37; to repeal House Bill No. 122 of the Acts of 1927, Fortieth Legislature, First Called Session, page 30, Chapter 17, and to repeal all Acts and parts of Acts, whether general, or special, or local, which relate to the same subject matter as this Act; insofar as they are inconsistent with provisions of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Reader of Bexar and Mr. Dickison:

H. B. No. 223, A bill to be entitled "An Act which provides for the prevention and control of disease; defining certain terms; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing all of the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas of 1925, save and except Senate Bill No. 46, Acts of 1927, Fortieth Legislature, First Called Session, page 116, Chapter 41, as amended by Senate Bill No. 20, Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, which same is known as "The Vital Statistics Law," and rules 77, 78, 79, 80, 81, 82, 83, 85, and 86 known as that section on "Transportation of Dead Bodies," and shall remain in full force and effect; and repealing all laws, articles, sections, and subdivisions of laws which conflict or are inconsistent with this Act; prescribing a penalty, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Loggins:

H. B. No. 224, A bill to be entitled "An Act amending Section 6 of Article 911b, Title 25 of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new section to Section 6 to be known as Section 6 (f), by providing for the sale and transfer of contract carrier permits issued under the provisions of this section of the Act by providing the method and manner of transferring said contract carrier permit, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Smith of Matagorda:

H. B. No. 225, A bill to be entitled "An Act to better safeguard the health of the people of Texas; to make it unlawful to sell, offer, or expose for sale adulterated or misbranded foods, drugs, cosmetics or devices; preventing fraud upon the purchasing public through the sale of adulterated or misbranded foods, drugs, cosmetics or devices and through false advertising of such articles; authorizing the State Board of Health, or its representatives to obtain evidence from persons or carriers transporting in commerce, defining terms used in this Act; providing for the condemnation and seizure of adulterated or misbranded foods, drugs, cosmetics and devices; authorizing the State Board of Health to promulgate rules and regulations for the enforcement of this Act, and providing for appeal of such rules and regulations and for injunction proceedings; to fix standards and definition for foods, drugs and cosmetics; to promulgate rules and regulations for the certification of coal-tar colors, to fix tolerances for poison in foods, to fix quantities of oxide of sulphur used in foods, to inspect or cause to be inspected food, drug, cosmetic and device establishments and collect samples of foods, drugs, cosmetics and devices; to make investigations and cause to be examined and analyzed samples of foods, drugs, cosmetics and devices; to publish judgment of court orders and to publish information on dangerous foods, drugs, cosmetics and devices; prohibiting the use of preservatives in foods, except as provided in this Act; fixing duties of the Attorney General, County and District Attorneys relative to this Act; providing penal-

ties for violation of the provisions of this Act, and amending Articles 4465a, 4466, 4470, 4471, 4472 and 4473 of the Revised Civil Statutes of Texas of 1925; and also amending Chapter 3, Title 71, of the Revised Civil Statutes of Texas of 1925 by adding Article 4471a immediately after Article 4471; and by adding Article 4471b immediately after Article 4471a; and by adding Article 4472a immediately after Article 4472; and by adding Article 4472b immediately after Article 4472a; and by adding Article 4472c immediately after Article 4472b; and by adding Article 4473a immediately after Article 4473; and by adding Article 4473b immediately after Article 4473a; and by adding Article 4473c immediately after Article 4473b; and by adding Article 4473d immediately after Article 4473c; and by adding Article 4473e immediately after Article 4473d; and by adding Article 4473f immediately after Article 4473e; and by adding Article 4473g immediately after Article 4473f; and by adding Article 4473h immediately after Article 4473g; and by adding Article 4473i immediately after Article 4473h; and by adding Article 4473j immediately after Article 4473i; and by adding Article 4473k immediately after Article 4473j; and amending Articles 706, 707, 708, 709 and 717 of the Penal Code of Texas of 1925; and also amending Chapter 2, Title 12, of the Penal Code of Texas of 1925 by adding Article 707a immediately after Article 707; and by adding Article 707b immediately after Article 707a; and by adding Article 708a immediately after Article 708; and by adding Article 708b immediately after Article 708a; and by adding Article 708c immediately after Article 708b; and by adding Article 708d immediately after Article 708c; and saving to the State the right to prosecute for violation prior to the amending of these Articles; providing that if any particular section or portion of this Act is held unconstitutional or inoperative; such shall not affect any other section or portion of this Act, and declaring certain legislative intent, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Skiles and Mr. Corry:

H. B. No. 226, A bill to be entitled "An Act making an emergency ap-

propriation to State Educational Institutions, designating the purpose for which said funds are to be used; providing that said funds are to be available immediately, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Smith of Matagorda:

H. B. No. 227, A bill to be entitled "An Act repealing House Bill No. 727, Chapter 488, General and Special Laws, Forty-fifth Legislature which amended Article 1055, of the Code of Criminal Procedure; and amending said Article 1055 of the Code of Criminal Procedure of Texas relating to fees paid officers and witnesses having costs in misdemeanor cases, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Anderson:

H. B. No. 228, A bill to be entitled "An Act authorizing certain cities to issue municipal bonds to fund the deficit in the wages of firemen and policemen of said cities; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Anderson and Mr. Reader of Bexar:

H. B. No. 229, A bill to be entitled "An Act amending Article 2980, Title 50, Chapter 7, of the Revised Civil Statutes of 1936; amending Article 2990, Title 50, Chapter 7, of the Revised Civil Statutes of 1936; amending Article 3012, Title 50, Chapter 8, of the Revised Civil Statutes of 1936, of the State of Texas, with reference to the manner of conducting elections, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Lehman:

H. B. No. 230, A bill to be entitled "An Act repealing Chapter 21 of the Laws of the Forty-fourth Legislature, Regular Session, being House Bill No. 874, pages 1185 and 1186 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Reader of Bexar, Mr. Smith of Matagorda, Mr. Dickison, Mr. Johnson of Tarrant, Mr. Dwyer, Mr. Reader of Erath, Mr. Morris, Mr. Hardin, Mr. Pevehouse and Mr. Dickson:

H. B. No. 231, A bill to be entitled "An Act to protect trade-mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; defining certain terms; providing a saving clause, and declaring an emergency."

Referred to the Committee on Commerce and Manufactures.

By Mr. Stinson:

H. B. No. 232, A bill to be entitled "An Act to amend Article 1839, Chapter 3, Title 39 of the Revised Civil Statutes as amended by the Acts of the Regular Session of the Forty-third Legislature of the State of Texas, so as to fix the time for filing the transcript and statement of facts in the Court of Civil Appeals and providing for an extension of such time for cause shown, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Allison:

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of Independent School Districts in counties having not less than 10,000 nor more than 20,000 population according to the last preceding Federal census, as established by the Act of the County Boards of School Trustees of such counties, and ratifying and confirming said Act of such Boards, and declaring an emergency."

Referred to the Committee on School Districts.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments, as follows:

By Mr. Talbert and Mr. Kennedy:

H. J. R. No. 1, Proposing to amend the Constitution of the State of Texas by adding a new Section to be known as Section 30-b of Article 16

of the Constitution providing four-year terms of office for all precinct, county, district and State offices at elections to be held in 1940; amending Sections 1 and 2 of Article 4 of the Constitution of the State of Texas; providing method of financing alternate primaries; providing for elections by home rule and incorporated cities and towns to hold elections regarding four-year terms for city officials; providing for elections on two (2) questions of adoption or rejection of said Amendments, and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Hull, et al:

H. J. R. No. 2, Proposing an amendment to Article 16, Section 49 of the Constitution of the State of Texas, by adding thereto a new Section to be known as Section 49a; "Providing that household furniture of a family shall be protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon or for the work and material used in the construction or repair thereof when such work or material are contracted for in writing with the consent of the wife or husband in the same manner as is required in making a sale and a conveyance of the homestead; and providing further that if the owner thereof, if a married man, shall not sell such household furniture without the consent of the wife given in such manner as may be prescribed by law; and providing further that no mortgage, trust deed, or other lien on household furniture shall ever be valid, except for the purchase money therefor, or repairs made thereon, whether such mortgage, trust deed, or other lien shall have been created by the husband alone or together with his wife, and providing further that all pretended sales of household furniture involving any condition of defeasance shall be void; providing for the necessary proclamation and appropriate funds to defray the expenses of the proclamation, publication, and election.

Referred to the Committee on Constitutional Amendments.

By Mr. Hull:

H. J. R. No. 3, Proposing an amendment to Article 8, Section 9

of the Constitution of Texas, providing that out of the taxes authorized to be levied by each county for the erection of public buildings, streets, sewers, water works and other permanent improvements, an amount not exceeding Ten (10) Cents on the One Hundred (\$100.00) Dollars valuation may be used for county purposes; providing an election upon such Constitutional Amendment, and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch:

H. J. R. No. 4, Proposing an amendment to Article XVI of the Constitution of the State of Texas, by adding thereto a new Section to be known as Section 62, providing four-year term of office for all elective offices in this State elected after the adoption of this Amendment, providing that any officer elected to fill a vacancy shall hold for the unexpired term and that any term of an elective office fixed by the Constitution for a longer term than four (4) years, that the duration of such office shall continue for such term, and providing that no person shall be eligible to hold the Office of Governor more than four (4) years in any period of eight (8) years; providing for the necessary publication and election; and making an appropriation to pay therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch:

H. J. R. No. 5, Proposing an Amendment to Article XVI of the Constitution of the State of Texas, by adding thereto a new Section, known as "Section 62", providing that the Attorney General of the State of Texas shall have the authority to appoint six (6) Assistant Attorneys General whose terms of office shall be for six (6) years except the first persons appointed shall serve: two (2) for two (2) years, two (2) for four (4) years, and two (2) for six (6) years; said terms to be designated by the Attorney General at the time of appointment; and further providing that the salary of each of such Assistants shall be Five Thousand (\$5,000.00) Dollars per annum, payable in equal monthly installments and further providing that the Attorney General may appoint

such other Assistant Attorneys General as the Legislature may authorize; provided that said Assistant Attorneys General shall be subject to the instructions of the Attorney General at all times; and providing for the necessary publication and election and making an appropriation to pay therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Weldon:

H. J. R. No. 6, Proposing an amendment to the Constitution, providing that no voter shall ever be denied the right to vote because of failure to pay poll tax, and authorizing the Legislature to provide for the registration of all voters; providing for the necessary publication and election; and make an appropriation to pay for same.

Referred to the Committee on Constitutional Amendments.

By Mr. Dowell:

H. J. R. No. 7, Providing for a Convention to frame a Constitution for the State of Texas; retaining the Bill of Rights of the present Constitution and giving the voters of the State of Texas the right to choose or reject any Article or Section of the present Constitution of the State of Texas in preference to any suggested change in any Article or Section that might be suggested by this Convention.

Referred to the Committee on Constitutional Amendments.

By Mr. Kinard and Mr. Riviere:

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas, to be known as Section 30b of Article 16, providing that the Legislature may enact laws creating Civil Service for State, county and municipal employees, providing rules and regulations therefor, and further providing that the limitation of the duration of office to two (2) years shall not apply to State, county or municipal Civil Service employees.

Referred to the Committee on Constitutional Amendments.

By Mr. Holland and Mr. Cornett:

H. J. R. No. 9, Providing for a Constitutional Convention to be assembled in the City of Austin on the first Monday in October, 1939, for

the purpose of framing a new Constitution; specifying the number of delegates and prescribing the qualifications of electors and the manner of conducting the election; designating the returning offices; authorizing the Governor to issue the proclamation convening the elected delegates; authorizing the Governor to issue his proclamation ordering said election, and making an appropriation to defray the expense of said Convention and also making an appropriation to defray the expenses of issuing and publishing said proclamation.

Referred to the Committee on Constitutional Amendments.

By Mr. Dean and Mr. Olsen:

H. J. R. No. 10, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of old age pension and/or assistance not to exceed Fifteen (\$15.00) Dollars per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five (65) years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for old age pensions and/or assistance; levying a two (2%) per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusements; creating a Special Old Age Pension and/or Assistance Fund or Funds and providing that same shall never be diverted; providing that said Fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch and Mr. Bond:

H. J. R. No. 11, House Joint Resolution proposing an amendment to Section 51-b of Article III of the Constitution of Texas, levying an Old Age Insurance Tax for the benefit of the persons and upon the persons and enterprises therein set forth, fixing the rates of tax, prescribing that the tax must be passed to the consumer and providing limitations as to the use of the tax; and providing for the necessary proclamation and making appropriation to pay the necessary expenses for publication of the proclamation and election.

Referred to the Committee on Constitutional Amendments.

By Mr. Brown of Nacogdoches:

H. J. R. No. 12, A Joint Resolution proposing an amendment to Section 51, Article III, of the Constitution of the State of Texas, by adding thereto Sections 51-e and 51-f, providing that the Legislature shall have power to provide for assistance for the permanently disabled and crippled over the age of twenty-one (21) years, who are in necessitous circumstances, in any sum not to exceed Fifteen (\$15.00) Dollars per month per person; and that such assistance or aid shall be granted only to bona fide citizens of the State of Texas and not paid to any criminal, habitual drunkard and no inmate of a State institution; and prescribing the time of actual residence of those entitled to such aid; and providing that the Legislature shall have power to provide assistance thereto by way of medicines and medical service.

Referred to the Committee on Constitutional Amendments.

By Mr. Petsch and Mr. Bond:

H. J. R. No. 13, House Joint Resolution proposing an amendment to Section 51-b of Article III of the Constitution of Texas, levying a Social Security Tax for the benefit of the persons and upon the enterprises therein set forth, fixing the rate of tax, providing limitations, providing for the necessary proclamation and making appropriation to pay the expense of publication of the proclamation.

Referred to the Committee on Constitutional Amendments.

(Pending the reading of bills on first reading, Mr. Bridgers occupied the Chair.)

(Speaker in the Chair.)

#### CHANGES IN STANDING COMMITTEES ANNOUNCED

The Speaker announced the following corrections and changes in Standing Committee appointments:

Mr. Harrell of Bastrop to replace Mr. Leonard on the Committee on Insurance.

Mr. Reader of Erath to replace Mr. Coleman on the Committee on Education.

Mr. Coleman to replace Mr. Reader of Erath on the Committee on Commerce and Manufacturers.

Mr. Reader of Bexar to replace Mr. Vale on the Committee on Liquor Traffic.

Mr. Vale to replace Mr. Reader of Bexar on the Committee on Labor.

Mrs. Gordon to replace Mr. Bridgers on the Committee on State Eleemosynary and Reformatory Institutions.

Mr. Bridgers to replace Mrs. Gordon on the Committee on Penitentiaries.

Mr. Dickson to replace Mr. Dickson on the Committee on Oil, Gas and Mining.

#### ADJOURNMENT

On motion of Mr. Kern, the House, at 3:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, January 23, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 20, Deploring the passing of W. R. Newton, Sr.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

**In Memory of**  
**Dr. W. R. Newton**

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Mr. Lehman offered the following resolution:

H. C. R. No. 20, In memory of Doctor W. R. Newton.

Whereas, On the 21st day of May, 1938, at the age of sixty-four years, the Almighty God in His superior judgment, which we mortals so little understand, took from our earthly ranks the great soul of the late Doctor and Senator W. R. Newton, Sr., of Cameron, Texas, and he answered that call as gallantly and preparedly as he had always answered every other call in ordinary life.

Whereas, In the State which proudly claims Doctor W. R. Newton as its own, there is a reserved place left in the hearts of all who loved and honored him for his great gifts of mind and heart, his valuable contributions to his State and community, manifest to all who knew him.

Whereas, He was a very valuable leader in the medical profession as a physician and surgeon, and his kind and generous services as a physician and surgeon remain to be matched, as it was his objective to cure the sick regardless of their poor financial condition. In the year of 1936 he was elected to the State Senate.

Whereas, When Doctor W. R. Newton was elected to the State Senate in 1936, serving with his son, George Mayo Newton, who was an outstanding and distinguished Member of the Forty-fourth and Forty-fifth Legislatures, they composed the only combination of a son and father team in each branch of the Legislature at the same time, from the same district, in the history of the Legislature.

Whereas, The Members of the Forty-sixth Legislature and all of the State of Texas bow their heads in a spirit of respect for the great loss of his outstanding services and devotion to his State and fellowman.

Whereas, By the innumerable good deeds and contributions of Doctor W. R. Newton to both community and State shall ever keep his memory aglow and imperishable, meriting him the highest honor and ovation this State can pay; now, therefore, be it

Resolved by the Members of the Senate and the Members of the House of Representatives concurring, To acknowledge the loss of his inspiring presence and splendid record in the medical profession, and a copy of this resolution be spread on the memorial pages of the Senate and House Journals of the day, to designate the love and esteem in which was held this great and good soul and letting this serve as an acknowledgment of the debt Texas owes and the tribute Texas pays, to a true son of the people; and also, be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals and that when the Senate and House adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his State and in the affection of his friends and sorrowing family.

The resolution was read second time, and was unanimously adopted.



In Memory of  
**Mr. A. Ballow**

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Mr. Spencer offered the following resolution:

H. S. R. No. 88, In memory of Mr. A. Ballow.

Whereas, The House of Representatives has learned with deep regret of the passing on January 19, 1939, of Mr. Albert (Cap) Ballow, 79, head of one of East Texas' largest and best known families, father of County Judge John W. Ballow, former President of the East Texas County Judges and Commissioners Association, and other sons and daughters well-known in school circles and other occupations over the State; and

Whereas, Mr. Ballow was a native and lifelong Henderson County resident, born on the homestead where he spent his mortal years, displaying those noble qualities of devotion to duty and perseverance in rearing a large family of patriotic citizens of the State of Texas; and

Whereas, The influence of his life will ever be a worthy example for emulation; now, therefore, be it

Resolved by the House of Representatives, That upon adjournment today we do so in honor of him, expressing our sincerest sympathy to his bereaved wife, Mrs. Susie Ballow, and his children who survive him; and, be it further

Resolved, That a copy of this resolution be spread upon the memorial pages of the House Journal of this day, and that the Chief Clerk of the House of Representatives send a copy of this resolution to the members of his family.

SPENCER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Weldon, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of  
**Hon. Edwin Donald Dunlap**

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Mr. Vale offered the following resolution:

H. S. R. No. 91, In memory of Hon. Edwin Donald Dunlap.

Whereas, We have learned with the deepest regret of the death of Honorable Edwin Donald Dunlap, on August 21, 1938, in Austin, Texas, after an illness of several months; and

Whereas, Mr. Dunlap rendered great service to his State, in that he served his adopted State for fourteen consecutive years as a Member of the House of Representatives from Kleberg County, having served as a Member in the Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, and Forty-fourth Legislatures, having been first elected to the Legislature when the 74th Representative District was created.

Mr. Dunlap was born in Missouri on October 4, 1871, the son of Reverend L. A. Dunlap, a Presbyterian Minister, who, with his family, came to Texas settling in Dallas County in 1889.

In 1913 Mr. Dunlap moved to Kingsville and engaged for a number of years in the drug business, and when the county of Kleberg was organized in 1913 Mr. Dunlap was elected its first District Clerk and served in this position for four years.

As a Member of the House of Representatives, during his fourteen years of service, Mr. Dunlap rendered efficient and faithful service to his State, and was instrumental in the establishment of the College of Arts and Industries at Kingsville, Texas; and

Whereas, In the long service of Mr. Dunlap in the Legislature of the State of Texas, he was ever ready to perform his duty and give of his counsel and advice to worthy causes; therefore be it

Resolved, That the House of Representatives express its deepest regret at the passing of the Hon. Ed Dunlap, that a page of the House Journal of today be set aside to commemorate the memory of Mr. Dunlap and his long years of service in this body, that a copy of this resolution be sent to his wife, Mrs. Eleanor Dunlap, who survives him, and to the other surviving members of his family, in order that the House of Representatives may in this way pay its respect to the memory of this worthy man; and, be it further

Resolved, That a copy of this resolution, under the seal of the Chief Clerk of the House of Representatives, be sent to the President of the College of Arts and Industries at Kingsville, Texas.

VALE,  
CELAYA,  
READER of Bexar.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson,

Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-  
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris,  
Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson  
of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard,  
King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins,  
London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, Mc-  
Namara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson,  
Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of  
Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Russell, Schuenemann,  
Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda,  
Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry,  
Thornton, Turner, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook,  
White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Westbrook, the names of all the Members of the House,  
were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of  
**Mr. A. M. Graves**

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Mr. Cornett offered the following resolution:

H. S. R. No. 93, In memory of Mr. A. M. Graves.

Whereas, On the 31st of August, 1938, the Almighty God made a decision which, although it grieved us, we did not question. Our friend and public servant has moved to higher rewards. The name of A. M. Graves of Clarksville, Texas, has been entered in the book with those who loved and served his country and his neighbor; and

Whereas, In the State which proudly claims A. M. Graves as its own, a deep void is left in our hearts until we in retrospect go over his achievements both great and small; then we cannot but smile and say, "Well done, thou good and faithful servant"; and

Whereas, A. M. Graves leaves behind him a record so highly praised it is but fitting for us to point out some of the incidents of that career. He was born November 16, 1870, at Woodland, in Red River County, Texas, of humble surroundings. He received his early education in the Clarksville schools.

At the age of 19 he entered upon his banking career in Clarksville and shortly after 1900 he became president of what was then known as the Red River County Bank; and

Whereas, A. M. Graves, like his father, who served in the Ninth Kentucky Infantry during the Civil War, recognized his duty to serve his State and country, he joined the Red River Rifles, a company of volunteer State Militia, and, at the age of 18, was made captain; and

Whereas, His business abilities and experiences were sought and respected because of his many admirable characteristics and because of his long association with the Red River National Bank of Clarksville. He served a term as President of the Texas State Bankers Association and his services were at one time sought as the Banking Commissioner of this State. He was appointed to the Industrial Accident Insurance Board in September, 1933, in which capacity he served ably and well until his death. His judicious mind and keen sense of justice made for him an immortal name in the deliberate decisions of this most important body; and

Whereas, The contributions of A. M. Graves to both community and State shall ever keep his memory green and have merited him the highest honor and ovation this State can pay; now, therefore, be it

Resolved by the House of Representatives, That we acknowledge the loss of his inspiring presence and place a copy of this Resolution on the memorial pages of the House Journal of today to designate the love and esteem in which was held this great and deserving character, and that we let this serve as an acknowledgment of the debt Texas owes and the tribute Texas pays to a true son of the people; and also be it further

Resolved, That the Chief Clerk of the House of Representatives send the wife of the deceased a copy of this Resolution under the Seal of the House of Representatives and that when the House adjourns today, it do so in

silent tribute to a man whose name shall live long in the consciousness of his State and in the affection of his friends and sorrowing family.

CORNETT.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-  
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Hale, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.